

Docket CL-11667
Award No. 42

SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers,
Express and Station Employees

and

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM:

System Docket No. 372 - New York Region Case No. 3A-58 - "Claim of
System Committee of the Brotherhood that:

(a) The discipline of dismissal imposed upon R. V. Peterson,
Station Baggage Man, Baggage Department, Pennsylvania Station, New York,
New York, which was later reduced to a suspension, time held out of
service to apply, be removed.

(b) Claimant R. V. Peterson, be reimbursed for all monetary loss
sustained beginning with June 21, 1957, until adjusted. (Docket 353)"

FINDINGS:

This is the first of two claims arising from disciplinary action
taken by the Carrier against the Claimant on two charges growing out
of one incident.

We have studied the transcripts involved, and believe they should be
viewed as a whole.

We believe further that we have here an arbitrary and capricious exercise
of Carrier's right to impose discipline.

The claim of the Organization in Docket CL-11667 is, therefore
sustained.

AWARD:

Claim sustained. /

Signed this 12th day of December, 1961.

/s/ Edward A. Lynch
E. A. Lynch, Chairman

/s/ A. E. Myles
A. E. Myles, Carrier Member

/s/ A. B. Seward
A. B. Seward, Employee Member