

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. 353 - New York Region Case No. 2A-58 - "Claim of
System Committee of the Brotherhood that:

"(1) Claim (Case #1) that 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; that he be reimbursed (Docket 353)

(2) Claim (Case #2) that Carrier violated Clerks' Rules Agreement, effective May 1, 1942, except as amended, particularly Rule 6-A-1(a), when it imposed discipline of thirty days' suspension upon R.V. Peterson, Station Baggage man, Baggage Department, Pennsylvania Station, New York, New York, New York Region; that discipline of 30 days' suspension be removed and he be reimbursed, etc. (Docket 372)"

FINDINGS:

This is the second 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-11668 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