

AWARD NO. 4
CASE NO. 4

SPECIAL BOARD OF ADJUSTMENT NO. 421

THE ORDER OF RAILROAD TELEGRAPHERS)
vs
NEW YORK CENTRAL RAILROAD, EASTERN)
DISTRICT (except Boston and Albany)
Division) and NEW YORK DISTRICT)

STATEMENT OF CLAIM:

1. Carrier violated the terms of the Agreement between the parties when, on March 13, 1961, without just cause, it dismissed C. Nava and M. J. Crounse from service.
2. Carrier shall now be required to restore C. Nava and M. J. Crounse to service without loss of seniority and compensate them for all time lost.

OPINION OF BOARD:

The evidence discloses that Claimants Nava and Crounse were properly found guilty of having violated Rule K-1, Rules of the Operating Department. This rule declares: "Fighting while on duty or on company property is prohibited."

It was entirely appropriate for the Carrier to take disciplinary action. We think the penalty of dismissal is excessive, however. The time already lost by the Claimants is sufficient penalty for their infraction.

AWARD:

Claimants C. Nava and M. J. Crounse shall be reinstated with seniority unimpaired but without compensation for time lost.

/s/ Lloyd H. Bailer,
Lloyd H. Bailer, Chairman

/s/ L. Faulds
L. Faulds, Carrier Member

/s/ R. J. Woodman
R. J. Woodman, Employee Member

New York, N. N.
July 23, 1962