

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

NEW-YORK CENTRAL RAILROAD, EASTERN DISTRICT
(Except Boston and Albany Division) and
NEW YORK DISTRICTSTATEMENT OF CLAIM:

1. Carrier violated the terms of the agreement between the parties when, without just cause, it dismissed W. O. Crumpton from service on December 27, 1963.
2. Carrier shall be required to restore W. O. Crumpton to service with all rights unimpaired, clear his record and pay him for all time lost, and for time consumed and expenses incurred attending the investigation on December 19, 1963.
3. Carrier violated the terms of the Agreement between the parties when, on December 27, 1963, it assessed a 15 day suspension upon the record of A. Antonucci.
4. Carrier shall be required to clear the record of A. Antonucci and pay him for time consumed and expenses incurred attending the investigation on December 19, 1963.

OPINION OF BOARD:

Claimant Crumpton was dismissed on the ground of having violated Operating Rule 551 in connection with a collision between Train 863 and track maintenance equipment on December 14, 1963. A 15 day suspension was assessed against the record of Claimant Antonucci on the ground that he violated Operating Rule 853 in connection with the same accident.

The evidence is sufficient to warrant disciplinary action against Claimant Crumpton. Under the circumstances, however, we are of the opinion that dismissal is an excessive penalty for an employee with over 25 years of service. We will hold that Claimant Crumpton shall be reinstated without back pay but with seniority rights unimpaired; that he shall be placed on the extra list and restricted to other than tower service; and that he shall be granted such vacation as may have been earned.

The evidence is sufficient to justify the disciplinary action taken against Claimant Antonucci.

AWARD:

The award on Parts 1 and 2 of the claim is as stated in the above Opinion of Board. Parts 3 and 4 of the claim are denied.

Lloyd H. Bailer
Lloyd H. Bailer, Chairman

L. Faulds
L. Faulds, Carrier Member

R. J. Woodman
R. J. Woodman, Employee Member

DATED: September 29 1964