

Referee Robert M. O'Brien

PARTIES            Railroad Yardmasters of America  
TO  
DISPUTE:          Union Belt of Detroit

STATEMENT        Claim and request of Railroad Yardmasters of America that:  
OF CLAIM:        Yardmaster Paul Gregory's record be cleared, full seniority  
                         rights be restored and that he be compensated for any loss of  
                         income as result of discipline administered on February 24, 1972.

OPINION           This is a discipline claim wherein claimant was disqualified as  
OF BOARD:        a yardmaster due to his responsibility for a late switch at the  
                         Fisher Fleetwood Plant on February 9, 1972. It has not been denied  
that the Plant was approximately 30 minutes late in being set up on the claim date.

The record reveals that claimant had two yard switching crews working under him on February 9, 1972. He assigned Job No. 3 to the Fisher assignment and he was of the opinion that the Fisher set up would be made on time. It is Carrier's belief that Job No. 7 should have been assigned and if it had the Fisher set up would have been made on time.

In retrospect it appears that claimant, a yardmaster for approximately three months on the date involved, made a mistake in judgment and that error resulted in the Fisher Plant being set up late. However, there is no evidence of gross or deliberate dereliction of duty on claimant's behalf. Nor can there be discerned from the record a pattern of irresponsibility or poor work performance on claimant's part. His mistake in judgment can certainly be explained by his lack of experience as a yardmaster. Consequently, while some discipline is appropriate, disqualification as a yardmaster is unduly harsh under the aforementioned circumstances and we order claimant reinstated to his position as yardmaster but without compensation for any loss in pay.

## FINDINGS:

The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

The parties to said dispute waived right of appearance at hearing thereon.

A W A R D

Claim sustained to the extent indicated, supra, in Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST: Executive Secretary  
National Railroad Adjustment Board

By *James L. Deane*  
Assistant Executive Secretary

Dated at Chicago, Illinois, this 13th day of September, 1973.