

Referee Robert M. O'Brien

PARTIES Railroad Yardmasters of America
TO
DISPUTE: Penn Central Transportation Company

STATEMENT OF CLAIM: Claim and request of Railroad Yardmasters of America:

SYSTEM DOCKET NO. 417
EASTERN TERRITORY - NEW JERSEY CASE 3-72

Concerning disqualification of Yardmaster
G. Potash, Jr.

OPINION OF BOARD: Effective May 17, 1972 yardmaster Potash was disqualified as yardmaster due to his failure to provide service to three customers, and for leaving his assignment before termination of his tour of duty without permission.

We conclude that the hearing transcript reveals that claimant failed to service three industries during his tour of duty commencing 12:00 M May 16, 1972: J. H. Monteath, E. H. Allen, and Old Bridge Team Track. It further reveals that he left his assignment early, at approximately 6:30 A.M., without Carrier's permission. He was scheduled to work until 8:00 A.M.

This Board is of the opinion that Carrier has sustained the burden imposed upon it in the present claim and has proven the charges brought against claimant by substantive evidence of probative value. However, we further conclude that the discipline imposed, disqualification as yardmaster, is unduly harsh under the circumstances of this particular case. We thus order claimant reinstated as yardmaster but without compensation for loss of pay while he was disqualified as yardmaster.

FINDINGS:

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

The carrier and the employees involved in this dispute are respectively carrier and employee 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.

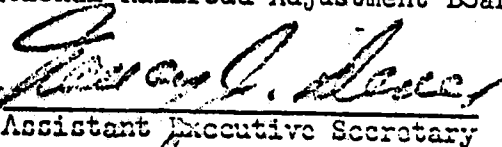
The parties to said dispute waived right of appearance at hearing, but were granted privilege of appearing before the Division with Referee sitting as a member thereof, to present oral argument.

A W A R D

Claim disposed of per the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Fourth Division

ATTEST: Executive Secretary
National Railroad Adjustment Board

By 
Assistant Executive Secretary

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