

Award No. 7071
Docket No. CL-7563

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

**NEW YORK CENTRAL RAILROAD COMPANY
(Buffalo and East)**

STATEMENT OF CLAIM: Claim of System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the New York Central Railroad Company, Buffalo and East, that Miss Mary E. Sweeney, Ticket Seller, Grand Central Terminal, who was suspended from work May 21, 1954, for alleged insubordination and allegedly having threatened the Chief Clerk, be reinstated with full seniority rights and reimbursed for wage loss sustained from May 21, 1954 until date of such reinstatement.

OPINION OF BOARD: We think that the insubordination charge alone, based upon the record of this particular dispute, would not warrant the extreme penalty of dismissal from Carrier's service, but, in view of this employee's record of unsatisfactory service, the Board is not disposed to disturb Carrier's action.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing thereon;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the action of the Carrier will not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 28th day of July, 1955.