

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
ATLANTIC COAST LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atlantic Coast Line Railroad, that:

(1) Carrier violated the Agreement when on the 8th day of March, 1956 and continuing thereafter, it, without just cause, suspended Mrs. Ethel W. Coram from her assignment as ticket agent-telegrapher at Valdosta, Georgia;

(2) Carrier shall be required to reinstate Mrs. Ethel Coram to her assignment with seniority unimpaired, and to compensate her for all loss in wages as a result of wrongfully suspending her from assignment as aforesaid.

OPINION OF BOARD: In view of Claimant Coram's admission of the facts in the incident involving Patron E. W. Ivey on February 18, 1956 and her acknowledgment that she received Carrier's letter of February 23, 1956, reading

"Report to the Freight Agent's office, Valdosta, at 4:45 P.M. Monday, February 27, for investigation in connection with alleged indifferent, inefficient and discourteous service accorded Mr. E. W. Ivey February 18, 1956.

"You are charged with violation of 5th Paragraph of the General Notice, Rules 724 and 835 in connection with this matter. You may have representative and witnesses having information concerning this matter present at the investigation."

We can find no basis for sustaining Organization's claim that Carrier denied Mrs. Coram "due process" because Carrier did not furnish Claimant an exact copy of Mr. Ivey's letter of complaint to Carrier.

A careful reading of the entire record in this case fails to disclose proof that Carrier's action in barring Claimant "from Ticket Agency at Valdosta or any other position requiring you to deal with the public" was "without just cause," as charged by the Organization.

Organization has likewise failed to prove its assertion that discipline assessed by Carrier against Claimant "had the effect of depriving her of work opportunity except at one point on second and third shifts."

This Board has adopted many Awards which have held that we will not substitute our judgment for that of management in matters of this kind unless it is clearly shown that Management was arbitrary or capricious in exercising its functions.

In the absence of such showing here, this claim will be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 13th day of November, 1958.