

Award No. 10096
Docket No. CL-9512

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Martin I. Rose, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS & STATION EMPLOYES**

HOUSTON BELT & TERMINAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that—

The Carrier's action in suspending Mrs. Flora Moon as PBX Operator at Houston, Texas, ten working days in July 1956 was arbitrary and without just cause, that her record be cleared, and that she be paid for wage loss sustained.

OPINION OF BOARD: Claimant was a regularly assigned PBX Operator at Houston, Texas, hours 8:00 A. M. to 4:00 P. M. Under date of June 19, 1956, she was charged by the Carrier's Superintendent with failure to complete her assigned tour of duty on June 18, 1956, by leaving at 2:10 P. M. with proper permission. A proper investigation was held on July 3, 1956, after which she was assessed ten days suspension from Carrier's service.

We are requested to hold that Carrier's suspension of Claimant Flora Moon was arbitrary and without just cause, that her record be cleared, and she be compensated for wage loss.

This Board has repeatedly refused to reverse the Carrier's decision in discipline cases in the absence of evidence that such action was capricious, arbitrary, or without just cause. There is no such proof in the record before us. For that reason, the claim must 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 Employee involved in this dispute are respectively Carrier and Employee 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 6th day of October, 1961.