

**Award No. 11651**

**Docket No. TE-13723**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Charles W. Webster, Referee**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**THE PENNSYLVANIA RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Pennsylvania Railroad that the dismissal of W. W. Abraham from the service of the Carrier is unduly harsh and inconsiderate of his service for the Carrier, and that he shall be restored to the service with seniority unimpaired.

**OPINION OF BOARD:** The record in this case shows that while initially it was handled as a case of not guilty, the Organization shifted its position and in dealing with both the Superintendent, Personnel, and with the Manager, Labor Relations, it was handled as a leniency matter. This being so, this Division has consistently held that while we might not agree with the position of the Carrier on the property, leniency is strictly a matter of management's prerogative. See Awards 9973, 8478, among others. We must, therefore, deny the claim.

**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;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 26th day of July 1963.