

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**ORDER OF RAILWAY CONDUCTORS AND BRAKEMEN,
PULLMAN SYSTEM**

THE PULLMAN COMPANY

STATEMENT OF CLAIM: The Order of Railway Conductors and Brakemen, Pullman System, claims for and in behalf of Conductor T. F. McNally, Chicago District, that The Pullman Company acted arbitrarily and capriciously when:

1. Under date of July 13, 1961, Conductor McNally's record was assessed with a warning on the charge specified in Superintendent Duffy's letter dated April 13, 1961.

2. We further hold that the Company's decision is not based on evidence contained in the record. The Company has assessed Conductor McNally's record with a warning, using the Instruction Book to Conductors as a basis for its charge, wherein Management, in writing, has held that so long as a conductor completes his work before turning in his reports, the instructions have been complied with.

OPINION OF BOARD: This is a discipline case. A hearing was held. The transcript of the hearing is in the record. After hearing Carrier found that Claimant had failed to comply with Carrier's rules; and it assessed a warning to be made part of Claimant's employment record. The claim is predicated upon Petitioner's assertion that the "Company's decision is not based on evidence contained in the record."

Our study of the record convinces us that there is substantial evidence to support Carrier's findings; and, the disciplinary action assessed was not arbitrary or unreasonable.

We will 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 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 disciplinary procedures complied with the Agreement, Carrier's findings were supported by substantial evidence and the penalty assessed was not arbitrary or unreasonable.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of January 1964.