

Award No. 17070
Docket No. TE-17293

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Jerry L. Goodman, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Illinois Central Railroad, that:

1. Carrier's assessment of the penalty of dismissal against Mrs. H. F. Browning, Ticket Agent, Chicago Terminal on charges that she failed to comply with Rules 45 and 47 of the General Rules for the Guidance of Suburban Station Employees, effective March 3, 1966 is excessive and is an abuse of Carrier's discretion to assess discipline.

2. Carrier shall, for the reasons indicated above, restore Mrs. H. F. Browning to its service as Ticket Agent, Chicago Terminal with all rights unimpaired in accordance with the provisions of Rule 22 of the Agreement.

OPINION OF BOARD: This is an appeal bottomed on the proposition that the imposition herein of the discipline of dismissal was an abuse of Carrier's discretion in that it was excessive.

The record, however, shows that the Claimant received a fair and impartial investigation; that her violation of certain rules governing the handling of Carrier's funds was proven; that her past record was thereafter considered; that in light of Claimant's past record the discipline of dismissal for the violation of the aforesaid rules was not an abuse of Carrier's discretion.

Therefore, the claim is denied.

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 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 18th day of April 1969.