

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

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

PENN CENTRAL TRANSPORTATION COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6679) that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 6-A-1 and 7-A-1, inclusive, when it imposed discipline of ten days' suspension upon F. R. Custis, Station Baggage man, Pennsylvania Station, New York, N. Y., former Eastern Region, New York Division, effective on or about March 20, 1968.

(b) Claimant F. R. Custis' service record be cleared of the charges brought against him on March 5, 1968.

(c) Claimant F. R. Custis be compensated for ten days wage loss sustained by him as a result of this discipline, in accordance with Rule 7-A-1(d), now Rule 6-A-1.

OPINION OF BOARD: A reading of the Investigation record discloses no prejudicial error. Claimant was properly represented at the hearing. He and his representative had every opportunity to develop facts relevant to the accident. At the conclusion of all the testimony, the Claimant was asked if he had any comments as to the manner in which the hearing had been conducted. He replied, "No".

On the basis of all of the relevant evidence elicited at the Investigation, the Claimant's negligence was fully established. He violated reasonable safety rules. A ten day suspension penalty is neither arbitrary, capricious nor unreasonable.

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;