

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19437
Docket Number CL-19471

Joseph E. Cole, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Western Maryland Railway Company

STATEMENT OF CLAIM: Claim of the System Protective Committee of the Brotherhood that (GL-7025)

1 - Carrier violated the provisions of the Clerks' Rules Agreement when it improperly suspended the Claimant (H.A.Fouche) from service as a result of investigation which transpired on August 18, 1970 and that

2 - Clerk H. A. Fouche shall now be allowed five (5) days pay at the straight time rate for the dates of August 31, September 1, 2, 3 & 4, 1970 and that

3 - Clerk H. A. Fouche shall now be allowed one (1) days' pay at the straight time rate for the date of September 7, 1970 and that

4 - Clerk H. A. Fouche shall now have his record cleared of the five (5) days of discipline.

OPINION OF BOARD: On the record, this claim should be denied. This discipline is not excessive or arbitrary and capricious.

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 has not been violated.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killam
Executive Secretary

Dated at Chicago, Illinois, this 17th day of October 1972.