

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19461
Docket Number TD-19539

Arthur W. Devine, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association
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(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The Seaboard Coast Line Railroad Company (hereinafter referred to as "the Carrier"), violated the Schedule Agreement between the parties, Article IX thereof in particular, by its action in imposing on Train Dispatcher L. H. Glass discipline of twenty (20) days' actual suspension, such action being arbitrary, capricious, unjust, harsh, biased, without regard for correct judgment, and unsupported by the facts adduced at investigation of July 10, 1970.

(b) The Carrier shall now be required to compensate Claimant Glass for all time lost as a result of the action referred to in Paragraph (a) hereof, and shall clear his record with respect thereto.

OPINION OF BOARD: The Claimant herein was regularly assigned third trick train dispatcher and his assignment included the dispatching of trains over Carrier's Albany Sub-Division between Albany-West Albany and Waycross, Georgia.

Train No. 6, a first-class passenger train, did not operate the evening of July 5, 1970. Train No. 305, a second-class train, was cleared at East Albany on the date involved without an annulling order having been issued on train No. 6.

On July 6, 1970, the Claimant and members of the crew of train No. 305 were charged with violation of operating rules in connection with the operation of train No. 305 from Albany Yard without obtaining annulment of No. 6. The Claimant was charged:

"Dispatcher Glass is charged with violation of Rules 201 and 786 for failure to properly annul schedule of Nos. 5 and 6."

Investigation was conducted on July 10, 1970, at which Claimant was represented by the General Chairman. During the course of the investigation the Claimant admitted a violation of Rules 201 and 786. Following the investigation the Claimant and members of the crew of train No. 305 were each assessed discipline of twenty days suspension. The claim requests that Claimant's record be cleared of the discipline and that he be paid for time lost.

The Petitioner contends, in effect, that the crew of train No. 305 was primarily responsible for that train leaving East Albany without an annulling order on train No. 6. While there no doubt was a responsibility on the crew of train No. 5, the fact remains that the Claimant was responsible for properly issuing annulment order on train No. 6, and any negligence on the part of the crew of train No. 305 did not absolve Claimant for negligence on his own part.

Based upon the evidence contained in the investigation, including Claimant's admission as to the rule violations, we do not find the action of the Carrier in imposing the discipline that it did to be arbitrary, capricious or in bad faith. The claim will, therefore, be 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E A Killen
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1972.