

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19462  
Docket Number TD-19573

Arthur W. Devine, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association  
(  
(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 effective Agreement between the parties, Article IX(a) and IX(b) thereof in particular, by its action in assessing discipline of fifteen (15) days' actual suspension to Train Dispatcher E. G. Richardson (hereinafter referred to as "the Claimant") following an investigation held January 18, 1971.

(b) The Carrier shall now be required to compensate Claimant Richardson for all wage loss sustained and clear his personal record of the charge which provided the basis for the said investigation.

OPINION OF BOARD: This is a discipline case involving fifteen days suspension against claimant dispatcher E. G. Richardson for his responsibility in connection with the handling of a train order on January 5, 1971.

Claimant was third trick dispatcher on Carrier's Florida Southern District. The Carrier's West Coast territory was assigned to another dispatcher. Claimant issued train order No. 3 at Trilby and Leesburg, Fla., at about 3:03 A.M., January 5. Trilby was on the territory of the West Coast train dispatcher and the train order affected the speed of a train moving from the West Coast territory to the Florida Southern district.

We have carefully reviewed the entire record in the dispute, including the transcript of the investigation conducted on January 11, 1971. We find that none of claimant's substantive procedural rights under the agreement were prejudiced by the manner in which the investigation was conducted. We further find that there was substantial evidence in the investigation to warrant the Carrier's conclusion that claimant did not properly carry out his responsibility as a train dispatcher. It is undisputed that claimant did not advise the West Coast train dispatcher of the issuance of train order No. 3, nor did he advise the relieving dispatcher that the West Coast dispatcher had not been informed as to the train order. Discipline was warranted and the suspension of fifteen days was not arbitrary, capricious, or in bad faith. We will, therefore, deny the claim.

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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.