

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 19677
Docket Number CL-19745

John H. **Dorsey**, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers..Express and Station **Employees**
(
(Chicago, Milwaukee, St. Paul and **Pacific** Railroad Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-7080)
that:

1) Carrier's action in dismissing Charles **Beasley** from **service** was arbitrary and unjust. The penalty assessed was harsh, excessive and out of proportion for a charge of failure to properly accomplish his Check Clerk duties on July 30, 1970.

2) Carrier shall now be required to reinstate employe Charles **Beasley** on his Check Clerk position in District No. 31 with all rights unimpaired and compensate him for all losses sustained until he is returned to service.

OPINION OF BOARD: This is a discipline case in which we find that: (1) Claimant was afforded due process; (2) there is substantial evidence of probative value which supports Carrier's finding of Claimant's guilt; and (3) the discipline imposed was not unreasonable.

We find no reason to rule on a number of procedural issues raised by the parties in their **Submissions**. This Opinion is not to be construed as being res **adjudicata** as to any of those said issues.

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

Award Number 19677
Docket Number CL-19745

Page 2

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 23rd day of March 1973.