

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20653
Docket Number CL-20820

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight **Handlers**, Express and
(Station **Employees**

PARTIES TO DISPUTE: (
(**Elgin, Joliet** and Eastern Railway Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-7632) that:

(1) The Carrier violated the rules of the effective Clerks' Agreement when following investigation held on **July 9, 1973**, it arbitrarily and capriciously dismissed Delores **Horne** from service.

(2) Delores **Horne** shall now be reinstated to the service of the Carrier with seniority and all other rights unimpaired and her record cleared of **any** charge.

(3) Delores **Horne** shall now be compensated for any and all wage loss suffered as the result of her dismissal **from** Carrier service.

OPINION OF BOARD: One can hardly successfully argue that this employee was not given ample opportunity to improve her record, nor that she was not adequately **forwarned** that lack of marked improvement would result in disciplinary action. The Board realizes that permanent dismissal is indeed a most severe penalty but having carefully reviewed the record in this case the Board finds that the discipline assessed was not an abuse of management's discretionary authority and we are, **therefore**, constrained to deny the claim.

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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL ~~RAILROAD~~ ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Paulson*
Executive Secretary

Dated at Chicago, Illinois, this **21st** day of March 1975.

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