

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20713
Docket Number TD-20643

Irwin M. Lieberman, Referee

(American Train Dispatchers Association
PARTIES TO DISPUTE: (
(Louisville and Nashville Railroad Company

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

(a) The Louisville & Nashville Railroad Company (hereinafter referred to as "the Carrier"), violated the effective Agreement between the parties, Articles 9 (a) and 9 (b) thereof in particular, by its disciplinary action in assessing a recorded reprimand on Claimant Train Dispatcher J. T. Mabrey's personal record and refusing to compensate him for time lost from his assignment to attend formal investigation on June 6, 1972.

(b) Because of said violation, the Carrier shall now be required to clear Claimant J. T. Mabrey's personal record of the recorded reprimand and compensate him one day's pay at the rate of his regular assignment for June 6, 1972.

OPINION OF BOARD: Claimant was charged with failing to promptly and properly report the failure of an operator to make delivery of a train order. The record discloses that the investigation of the charges satisfied the procedural requirements of the Agreement. Operating Rule 822 requires the prompt report of any irregularities to the proper officer. The evidence established that the incident involving the train order took place at about 6:15 P.N. and Claimant did not report it to the Chief Dispatcher until the next day - twenty one hours after the fact - and then only when reminded to do so. Even though the incident caused no accident and appears to be a relatively insignificant transgression, the Carrier has the right to impose discipline for minor as well as major violations of its rules; this Board may not render awards based on equity. It is well settled that the Board will not substitute its judgment for that of Carrier and the discipline imposed in this dispute was neither unreasonable, arbitrary nor 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;

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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:

A. W. Parker
Executive secretary

Dated at Chicago, Illinois, this 9th day of May 1975.