

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20808
Docket Number CL-20653

Francis X. Quinn, Referee

(T-C Division, Brotherhood of Railway, Airline
(and Steamship Clerks, Freight Handlers,
(Express and Station **Employees**

PARTIES TO DISPUTE: (

(George **P.** Baker, Robert W. **Blanchette** and **Richard**
(C. Bond, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-7502):

1. That the **Carrier** acted in a capricious and arbitrary manner
when he assessed Mr. E. L. Cyphers a **10-day** record suspension.

2. That the **Carrier** r-e such discipline from Mr. E. L. **Cy-**
phers' personal record.

OPINION OF BOARD: Failure to comply with Operating Rules constitutes
a proper basis for applying discipline. However, in
view of the circumstances of the instant case, **we** find the amount of dis-
cipline was excessive and unreasonable. **The** Carrier is to r-e the **10-**
day record suspension **from** Claimants' personal record.

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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Parker
Executive Secretary

Dated at Chicago, Illinois, this 29th day Of August 1975.