

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20962
Docket Number MW-21071

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Sand Springs Railway

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The suspension of ten (10) days imposed upon Laborer Thomas Fulbright, Jr. was without just and sufficient cause (**System** File S-78).

(2) The charges against Claimant Thomas Fulbright, Jr. be stricken **from** the record and he be compensated for all monetary loss suffered, all in accordance with **Rule** 24.

OPINION OF BOARD: Carrier imposed suspension of ten (10) days upon Laborer Thomas Fulbright, Jr., following an investigation to determine cause of an altercation between Claimant and **Employee Huntley** occurring on April 5, 1974.

We find the Carrier met its burden of proving by substantial evidence a finding of guilt on **Claimant's** part and considering the circumstances Carrier's action in assessing discipline of ten (10) days suspension was not unreasonable or arbitrary. Therefore, the claim is denied.

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** BOAW
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1976.