

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21026
Docket Number X-20788

Francis X. Quinn, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: ((Chicago, Rock Island and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago, Rock Island and Pacific Railroad Company:

Appeal of discipline assessed Signal Maintainer M. D, **Stowe** (thirty demerits) in connection with personal injury he received about 11:00 a.m., June 1, 1973, at Elk City, Oklahoma, with a request that his records be cleared of the discipline and his personal record be cleared of the so-called charges and any reference thereto. /Carrier File: PR - M.D, **Stowe**/

OPINION OF BOARD: The evidence of record in this case justified the conclusion that Claimant was not using his best judgment in conducting himself safely in compliance with Carrier's Safety **Rules**. The transcript of investigation further **establishes** Claimant was afforded a fair and impartial hearing.

While the administration of disciplinary action should not seem **haphazard or** capricious, it is clear that the imposition of discipline is within **managerial discretion**. We find no basis for an affirmative Award,

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 BOARD
By Order of Third Division

ATTEST:

A.W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1976.