

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21046
Docket Number CL-21045

William M. Edgett, Referee

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

PARTIES TO DISPUTE: (
(Port **Terminal** Railroad Association

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-7773) that:

(1) The Carrier violated the current Clerks' Agreement when on **October** 3, 1973, it arbitrarily and capriciously withheld Clerk M. 3. Dehart from **service** of the Port Terminal Railroad Association until she was permitted to **return** to work effective **12:01** AM, Thursday, October 18, 1973.

(2) Clerk Dehart be paid a day's pay for October 3, 1973, and each **subsequent** date she could have worked on her regular assignment or through the **exercise** of her seniority up to **12:01** AM., October 18, 1973.

(3) The Port **Terminal** Railroad Association be required to clear Clerk Dehart's service record of all charges and discipline assessed in regard to the case at hand.

OPINION OF BOARD: Claimant, while off duty, called a fellow **employee** to **remonstrate** for her failure to enter her son's bid for a position. The fellow **employee** had been serving as Chief Clerk and had promised Claimant's son she would put his bid in. The language used was not polite and while a reprimand might have been in order, a suspension was grossly disproportionate to the offense. The claim will be sustained.

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 claim should be sustained.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1976.