

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21670
Docket Number CL-21453

Robert J. Ables, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
PARTIES TO DISPUTE:. (
(Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of System Board of Adjustment No. 218
(C-L-7995) that:

1. Carrier violated the Agreement between the parties when W. M. Hamer was assessed five (5) days actual suspension from November 28, 1974, to December 2, 1974.

2. The Carrier's action was unjust, unreasonable and an abuse of Carrier's discretion.

3. Carrier shall now pay claimant for the five (5) days that she was unreasonably suspended.

OPINION OF BOARD: Claimant in this case was assigned to a position of Janitor-Messenger at Carrier's Bellevue, Ohio terminal. Her messenger duties included the operation of a company vehicle throughout the city of Bellevue. During her tour of duty on October 17, 1974, while operating the company vehicle, claimant was involved in a collision with another vehicle at a Bellevue intersection.

After a scheduled hearing, claimant was assessed a five (5) day suspension for her responsibility in the collision.

The basis of the appeal in this case both on the property and before our Board has been that the assessment of a five (5) day suspension was excessive and a violation of Carrier's discretion.

We have reviewed the entire record and have considered the presentations of both parties. We find that claimant's responsibility for the collision has been established by substantial evidence in the record. We do not find that any of claimant's substantive or procedural rights have been violated.

Based upon the entire record, we cannot say that a five (5) day suspension was excessive or an abuse of Carrier's discretion. We find no basis for disturbing the action taken.

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.

RATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 31st day of August 1977.

