

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21674  
Docket Number CL-21718

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  
(GL-8152)that:

1. Carrier violated the **Agreement** between the parties when on September 24, 1975, Mr. S. L. **Barlage** was given ten (10) days actual suspension **from** September 26, 1975, to October 6, 1975.

2. The Carrier's action was unjust and unreasonable.

3. Carrier **shall** compensate **Mr. Barlage** for each day held out of service **with** seniority and all other rights unimpaired, plus twelve percent (12%) interest on **all** monies due.

OPINION OF BOARD: **Claimant** was suspended for 10 days for operating a company vehicle in a careless and rec.kless **manner**.

We have **carefully** reviewed the entire record in this case and **can** find no violation of any of claimant's **substantive** or procedural rights.

The hearing record contains **more** than substantial evidence, including claimant's own **testimony**, to show that **claimant** did, in fact, operate the **Company** vehicle in a careless and reckless **manner resulting** in damage to the vehicle. Under the circumstances, the assessment of a ten-day suspension was not **an** abuse of Carrier's discretion.

We find no basis on which to substitute our judgment for that of the Carrier.

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. Paulos  
Executive Secretary

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

