

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21879  
Docket Number CL-21347

Nicholas H. Zumas, Referee

(Brotherhood of Railway, Airline and  
( **Steamship** Clerks, Freight Handlers,  
( & Press and Station **Employees**  
PARTIES TO DISPUTE: (  
(The Pittsburgh & Lake Erie Railroad Company

STATEMENT OF CLAIM: **Claim** of the **System Committee** of the Brotherhood,  
GL-7912, that:

(a) *Carrier* erred in administering discipline to Operator  
H. C. **Funkhouser** following a formal investigation held at Struthers,  
**Ohio** on **September 26, 1974**.

(b) Carrier be required to correct its error by clearing  
Operator **Funkhouser's** record of the five day deferred suspension  
**administered** by letter over the signature of the Carrier's **Transportation**  
Superintendent and dated October **3, 1974**.

OPINION OF BOARD: The entire thrust of the Organization's position  
in this dispute is that the five-day record  
suspension should be overturned because of procedural defects. A  
careful **examination** of the record **compels** the conclusion that there is  
*no* showing by the Organization that the procedural challenges have  
**merit**.

It is further clear **from** the record that **Claimant** failed to  
**comply** with Operating **Rule 108**. If **it were** not for the alertness of  
the gang **foreman**, a serious accident would have occurred. The **five-**  
day record *suspension* shall stand.

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**;

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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

The ~~Agreement~~ was not violated.

A W A R D

~~Claim~~ denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulus  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1978.

RECORDED  
JAN 31 1978