

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22413

Docket Number CL-22385

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight **Handlers**,
(Express and Station **Employees**
(The Baltimore and Ohio Chicago Terminal
(Railroad **Company**

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(CL-8489) that:

(1) The Carrier violated the terms of the **Agreement** between the Parties **when**, on January 30, 1975, it imposed discipline of 5 days actual suspension from service upon Utility Clerk James Saplis as a result of an investigation held **January** 29, 1975, and

(2) The Carrier shall, as a result, be required to compensate Mr. James Saplis five (5) days' pay at the rate of his position for the period January 31 through February 4, 1975.

OPINION OF BOARD: Claimant was charged **with** conduct unbecoming an **employee**. The charge involved keypunching of **commodity information on** two cars of **manure**. Both loads were punched in a CLIC format for computer entry with a **well-known** four-letter, **slang** word denoting manure. At the investigation Claimant denied **making** the entry but it was brought out that his ID Code indicated that the entries were his.

Claimant was given a S-day suspension for the infraction. Given the nature of the offense and taking into account other factors of contemporary railroading and conduct, we feel that a S-day suspension was excessive. In our judgment, a reprimand would be an appropriate penalty.

The discipline will be reduced to a reprimand and Claimant shall be allowed compensation for wage loss while serving **the** S-day suspension, in accordance with **Rule 47(a-6)**.

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 Rmloyes 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 violated to the extent shown in Opinion.

A W A R D

Claim sustained to the extent indicated in the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 30th day of May 1979.
