

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22414
Docket Number CL-22256

Abraham Weiss, Referee

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

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-8487) that:

(1) Carrier violated the terms of the Agreement **between**
the parties, when **on** January 30, 1975, it imposed discipline of 10 days
actual suspension from service upon Utility Clerk James A. **Pippen**, as
a result of an investigation held January 29, **1975**, which was improper,
and

(2) Carrier shall, as a **result**, be required to compensate
Mr. **James A. Pippen** ten **(10)** days pay at **the** rate of his position for
the period January 31 through February 9, 1975.

OPINION OF BOARD: Claimant was charged with conduct unbecoming an
employee. The charge involved keypunching of
commodity information on one car of manure. The load was punched in
a CLIC format for computer entry with a well-known four-letter slang
term 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 5-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 5-day
suspension was excessive. In our judgment, a reprimand would be
an appropriate penalty.

At the time he served his 5-day suspension in the instant
case, Claimant had pending a 5-day **overhead** suspension that he was
now required to **serve** because he failed to maintain a clean record

for a 3-month period, a condition of the earlier deferred suspension. Thus, Claimant **was** suspended for 10 days. Our reduction of **the** discipline **from** a **5-day** suspension to a reprimand will not disturb the earlier suspension. Accordingly, Claimant shall be allowed compensation for wage loss **while** serving the second **5-day suspension**, in accordance With **Rule** 47 (ad).

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, **finds** andholds:

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 wet 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:

A. W. Pauls
Executive Secretary

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