

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22709
Docket Number CL22610

John J. Mangan, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees

PARTIES TO DISPUTE: (

(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8597) that:

1. Carrier violated the Clerks' Agreement when it acted in an arbitrary and harsh manner by suspending Clerk Mrs. M. V. Warren on January 17, 1977, following an investigation held on December 17, 1976.

2. Clerk Mrs. M. V. Warren shall be compensated for 20 days' suspension served from January 17, 1977 to February 5, 1977.

OPINION OF BOARD: Claimant Warren, in the Carrier's service some 25 years, was notified to report for an investigation to be held on December 10, 1976 to determine her responsibility for "failure to promptly progress work assigned, personal use of company equipment and supplies and for violation of that part of Rule 18 concerning 'insubordination and concealing facts concerning matters under investigation,' . . . "

By Agreement, the matter was heard on December 17, 1976, the Claimant being present and represented by members of the BRAC. Carrier, as a result of the investigation assessed Claimant a 20 day suspension, based on the Carrier's conclusion that the evidence was fully supported by the transcript of investigation.

Our review of the transcript reveals that on November 27, 1976, the head clerk in the Signal Storekeeper's office at Savannah handed Mrs. Warren a letter of caution stressing certain work procedures to be observed, and including the warning that personal telephone calls must be reduced to an absolute minimum. Previously, Mrs. Warren had been given a letter of caution on March 12, 1976, concerning her handling personal business, using the telephone excessively for personal calls, and failing to satisfactorily complete her normal duties; and on July 29, 1976 she was given five days actual suspension for incivility and discourtesy shown to the Assistant Storekeeper.

The record further reveals that Claimant's supervisor had a conversation on November 19th, with Mr. E. L. Southwell, Signal Storekeeper, and with Mr. W. W. Gardner, Assistant Storekeeper, regarding problem with Mrs. Warren. As a result, the supervisor wrote her a letter of caution on November 22, leading to a charge of insubordination and the subsequent investigation. Mrs. Warren testified during the investigation that she **acknowledged** receipt of the letter **on** the following day.

Charges raised were not refuted, rather the Claimant attempted to justify her actions by alleging extenuating circumstances.

In view of the admitted actions on the part of the Claimant the discipline imposed was appropriate.

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:


Executive Secretary

Dated at Chicago, Illinois, this 11th day of January 1980.