

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22905
Docket **Number** CL-22709

Joseph A. Sickles, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station **Employees**
PARTIES TO DISPUTE: (**St. Louis-San Francisco** Railway Company

STATEMENT OF CLAIM: Claim of the **System Committee** of the Brotherhood (668690)
that:

1. The Carrier acted **in** an arbitrary, capricious and unjust **manner** and violated the agreement between the parties when on March 10, 1978 it suspended Clerk Jessie Thompson from **the** service for a period of ten (10) working days effective March 13, 1978.

2. In view of the foregoing arbitrary, capricious and unjust action of the Carrier, it shall now be required to:

- (a) Restore Clerk Thompson to service of the Carrier with all seniority, vacation and other rights unimpaired.
- (b) Pay Clerk Thompson for all time lost **commencing** with March 13, 1978 and continuing until March 27, 1978.
- (c) Pay Clerk Thompson interest at the **rate** of **10%** on the **amount** claimed under (b) above.

OPINION OF BOARD: On March 4, 1978, the Claimant was notified to appear for an investigation on a charge that she failed properly to mark another employee as laying-off, which resulted in certain overtime **payments** until another employee could be called.

Subsequent to the investigation, the **Claimant, was** suspended from service for ten (10) working days.

The evidence adduced at the hearing demonstrated that the Claimant did receive a call **from** another employee at **4:35** a.m. on **the** day in question, and she was informed by that employee **that** he was not feeling well. The Claimant advised the employee **that** she had an extra employee available who could be used to fill the vacancy, and **that** it would be permissible for him to lay-off. However, she did not follow through or arrange alternate coverage.

After a review of the entire record, we are of the view that there is no procedural **deficiency** which precludes us **from** considering the case on the merits. There is nothing presented to us which causes us to dispute the Carrier's finding that the Claimant was guilty, as charged, and under the **circumstances**, we do not conclude that the discipline imposed was arbitrary and/or capricious.

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 **27th** day of June **1980**.