

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **23846**
Docket Number **U-22663**

Dana E. Eischen, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station **Employees**
PARTIES TO DISPUTE: (
(**Soo Line Railroad** Company

STATEMENT OF CLAIM: **Claim of** the System **Committee** of the Brotherhood
(**GL-8704**) that:

(1) **Carrier** was unreasonable, **unjust** and capricious when it suspended Ms. Linda Scott, employed as Inbound/Outbound Card Switching Clerk No. 2 at **Schiller** Park, Illinois, from service for a period of ten (10) days beginning Sunday, February 13, 1977, to Sunday, February 27, 1977.

(2) **Carrier** shall now **compensate** Ms. Linda Scott in the amount she would have earned had there been no suspension, including any overtime worked by the position during the period of suspension.

OPINION OF BOARD: It is not disputed that Claimant negligently **failed** to comply with specific instructions for the handling of certain **cars** from the Campbell Soup **Company**. Specifically, she neglected to note on the switch list that these **cars** should be carded for the rip track for installation of heaters, despite a specific written instruction **from** Agency Manager **Schiltz** on **11/19/76** **emphasizing** the need to be careful of such matters during the upcoming "heater season." Nor is there any dispute that Ms. **Scott's** carelessness was proven in a fair and impartial investigation following adequate notice and opportunity to appear **and be** heard. **Thus**, the **only** question presented on this record for our consideration is whether the penalty of a ten day suspension for this offense was arbitrary, unreasonable or capricious **in the** circumstances of this case. Although the question of discipline imposed by Carrier was harsh we **cannot** conclude that it was unreasonably so. Claimant had been the recipient of a series of prior **written warnings to read her mail and to pay** greater attention to the details of her work performance. Given these **previous** notices and her apparent failure to **respond** we cannot find the **10-day** suspension too excessive as to be arbitrary or unreasonable.

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 **Employes** involved in this dispute are respectively **Carrier** and **Employes** 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 wasnot **violated**.

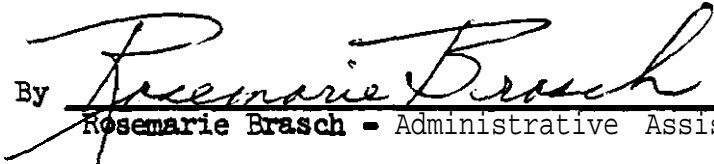
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **Third** Division

Attest: Acting Executive Secretary
National **Railroad Adjustment** Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Qicago, Illinois, this 28th day of April 1982.

