

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24152  
Docket Number CL-24043

Herbert L. Marx, Jr., Referee

{Brotherhood of Railway, Airline and Steamship Clerks,  
Freight Handlers, Express and Station Employes

PARTIES TO DISPUTE: {Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9462) that:

1) Carrier violated the Clerks' Rules Agreement at Bensenville, Illinois when it charged, held investigation and assessed discipline of an entry of facts on Employe J. K. Conrad's personal record on January 15, 1980.

2) Carrier shall now be required to clear J. K. Conrad's personal record of all mention of the charges, investigation and discipline assessed her as a result of the November 27, 1979 and January 8, 1980 investigations.

OPINION OF BOARD: Review of the record shows that the Claimant and another employe were engaged in an unbusinesslike discussion on November 16, 1979 in the office in which they both worked. The discussion concerned a previous incident (involving an unfriendly verbal exchange between the two) and the placement of a coffee pot on the Claimant's desk.

Claimant was subject to an investigative hearing which, upon review, the Board finds to have been conducted in a fair manner.

As a result, Claimant was disciplined with an "entry of facts" on her record. The incident, while unwelcome and disturbing in an office where many employes work, was of a relatively minor nature. However, the Carrier's judgment was such as to limit its disciplinary action to an "entry of facts", and the Board has no basis to disturb this minimal response.

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 was not 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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.