

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24468**  
Docket Number SG-24550

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(National Railroad Passenger Corporation

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger corporation:

Case NEC-BRS-SD-15D. Claim **on behalf** of Gary W. Carroll that Carrier rescind the five days' suspension of December **15, 16, 17, 18 and 19, 1980.**"

OPINION OF BOARD: Following an investigative hearing, the **Claimant was** subject to a five-day disciplinary suspension for losing **a** company radio in his possession while on duty. The **Claimant** admitted to having lost the radio and failed to **accept a** proposal to **make** restitution to the Carrier for its loss. He **was** adjudged guilty of the portion of **Rule H** which reads as follows:

"Employees must take every precaution to guard against loss or damage to the company property from any cause...."

Procedural objections raised by the Organization were either not timely or were considered by the Board not to affect the fairness of the investigative hearing or the propriety of the resulting discipline. There is no basis to set aside the penalty imposed on the Claimant.

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.

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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 **14th** day of **July** 1983.

