

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 25387
Docket Number CL-24661

W. S. Coleman, Referee

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

PARTIES TO DISPUTE: {
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9640)
that:

(a) Carrier violated the Clerks' Agreement at Topeka, Kansas, when it suspended **Ms. E. P. Spriggs** from its service effective close of business November 18, 1980, as outlined in Mr. **Chappell's** letter to Claimant dated **December** 12, 1980.

(b) Claimant shall now be reinstated to service with the Carrier with all rights unimpaired and compensated for all monetary loss suffered on her position for period of suspension from November 18, 1980 to and including February 16, 1981.

(c) In addition to **above** monies claimed, E. P. Spriggs shall now receive ten per cent (**10%**) interest on monies claimed, such interest to be compensated on each and every pay period from November 18, 1980 forward.

OPINION OF BOARD: Claimant E. P. Spriggs was at the time of the incident involved here assigned to the Timekeeper's position at Topeka, Kansas, on the **7:30 A.M.** to 4:00 P.M. shift, Monday through Friday. On **November** 12, 1980, she was given a copy of Quality Control Review in connection with her work. The issuing of this critical report caused Claimant to become angry. After a number of confrontations with her Supervisor on that and subsequent days, she **was** suspended from service and directed to report for an investigation into the matter.

A hearing into the matter was held and Claimant was found **guilty** of being in violation of Rule 14 of the Rules of Conduct that relate to being indifferent to duty and insubordinate. For these infractions, she was assessed a **90-day** suspension.

This Board has reviewed the detailed record of this case and must conclude that Claimant was a very difficult and uncooperative **employee** who acted in a grossly insubordinate manner in this instance. We must also conclude that a **90-day suspension** is not an inappropriate penalty.

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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

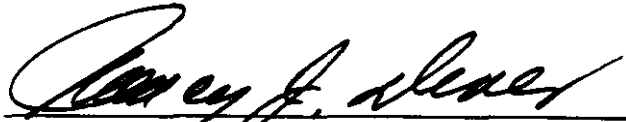
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1985.