

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 2544.9
Docket Number MW-25437

Eugene T. Herbert, Referee

PARTIES TO DISPUTE: (**Brotherhood of Maintenance of Way Employees**
(Seaboard System Railroad

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The ninety (90) days of suspension imposed upon Assistant Bridge Foreman G. L. Sandlin for alleged violation of "Rule 11" and "Rule 18" was capricious, arbitrary, unwarranted and on the basis of unproven charges [System File C-4(13)-GLS/12-39(82-1145) K3].

(2) The claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: A careful review of the record in this case reveals that Claimant was accorded full due process under the Agreement at a fair and impartial hearing. The evidence there presented was substantial as to his guilt. There is no indication that the finding of guilt was arbitrary, capricious or motivated by personal animus. In light of Claimant's prior disciplinary record, this Board cannot say that the discipline imposed for the current offense was excessive, unreasonable or unwarranted.

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 Employee involved in this dispute are respectively Carrier and Employee 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:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May 1985.