

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10226) that:

(a) Carrier violated the Agreement at Topeka, Kansas, when it removed Janice L. Everidge from service on January 5, 1987, and

(b) Janice L. Everidge shall now be restored to Carrier's service with all rights unimpaired and with pay for all time lost beginning December 10, 1986, forward."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was employed as a rate clerk by Carrier at Topeka, Kansas. On December 10, 1986, Claimant was notified that she was being held out of service pending formal Investigation of the following charges:

- "1. Violation of Rule 15 by being absent from your assigned position at approximately 9:30 A.M. on Thursday, December 4, 1986 without proper authority, in that you were observed on the 12th floor of the General Office Building and your assigned position is located on the 11th floor.
2. Violation of Rule 16 by writing a vicious, threatening letter to Senior Supervisor R.E. Johnson on Thursday, December 4, 1986.

3. Violation of Rule 19 by mailing the written vicious, threatening letter to Senior Supervisor R. E. Johnson via company mail on Thursday, December 4, 1986."

The Investigation was held on December 23, 1986, and, as a result, Claimant was removed from service on January 5, 1987. The Organization thereafter filed a Claim on Claimant's behalf, challenging her removal from service.

This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of sending a threatening letter to her Supervisor.

Claimant admitted to the wrongdoing after she initially had told the Carrier's agents that she knew nothing about it.

Once this Board has determined that a Claimant was properly found guilty, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find it to have been unreasonable, arbitrary, or capricious.

Because of the nature of the wrongdoing in this case and the previous discipline record of the Claimant, this Board cannot find that the action taken by the Carrier was unreasonable. Therefore, the Claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deva - Executive Secretary

Dated at Chicago, Illinois, this 4th day of May 1989.