

The Third Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(Terminal Railroad Association of St. Louis)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10242) that:

1. Carrier violated the Agreement between TCU (formerly BRAC) and the Carrier when, on the date of April 16, 1987, it issued discipline of thirty (30) days deferred suspension to claimant, Mrs. M. L. Volner, following investigation held on the date of April 14, 1987.

2. Carrier's action in this case was excessive and harsh and violated the Agreement, expressly Rules 24 and 29 contained therein.

3. Carrier shall now be required to remove the thirty (30) days deferred suspension assessed Mrs. Volner and expunge from her personal record, all references thereto."

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.

The Claimant is the third shift Crew Clerk No. 2 from 11:00 P.M. to 7:00 A.M. As a result of an Investigation, the Claimant was issued a thirty day suspension which was held in abeyance for a period of one (1) year. The Organization argues this action was arbitrary, unjust, and unreasonable. In essence, the Claimant was found guilty of committing an error in that she failed to call the correct employee for a first shift vacancy. Analysis of the record indicates the Claimant was not aware of Employee J. R. Couch being on the third shift and being eligible for the overtime call until it was brought to her attention subsequently.

This Board recognizes the error made by the Claimant is undisputed. We also endorse the Carrier's contention that employees must be held responsible for the proper calling and marking of crew boards. Nonetheless, there can be no doubt this Claimant's error was not intentional, and she attempted to fulfill her duties to the best of her ability. Discipline must be commensurate with the infraction involved. In this case, the Board finds the Carrier could have accomplished the same corrective discipline with a reprimand as opposed to an overhead suspension. Thus, we conclude the discipline issued was not commensurate with the error committed by the Claimant which prompted the Carrier to issue her a thirty (30) day overhead suspension. Claimant's thirty (30) day suspension held in abeyance for one (1) year is reduced to a reprimand.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 20th day of November 1989.