

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**NEW YORK CENTRAL RAILROAD COMPANY,  
OHIO CENTRAL LINES**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on New York Central Railroad, Ohio Central Lines, that the Carrier acted in an arbitrary and capricious manner, when, on July 6, 1945, it assessed the personal record of E. R. Smith, second trick clerk-telegrapher at Kenton, Ohio, with a fifteen-day suspended sentence for alleged violation of Operating Rule 211-a, in connection with the issuance of a clearance card to the engineman of freight train 2nd 95 on June 23, 1945, at his office; and that the fifteen-day suspended sentence assessed against him shall be removed and his record entirely cleared of the charges made against him.

**OPINION OF BOARD:** Based upon all the facts and circumstances in this particular case, the Board is not disposed to disturb the action of the Carrier.

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

That both parties to this dispute waived hearing thereon;

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 action of the Carrier will not be disturbed.

**AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of Third Division

**ATTEST: H. A. Johnson**  
Secretary

Dated at Chicago, Illinois this 7th day of March, 1947.