

Award No. 11171

Docket No. CL-13473

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William H. Coburn, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5202) that:

(1) Carrier violated the Agreement at Shreveport, Louisiana, when it assessed unfair and unnecessarily harsh discipline against E. L. Scott, formerly employed as Claim Clerk at Shreveport, Louisiana, for his alleged failure to show correct information on Form 1339 for the month of June, 1960; and for his alleged refusal to keep records of inspection trips and car mileage, and

(2) E. L. Scott be restored to the service of the Carrier with all employee rights unimpaired and compensated for all time lost since his dismissal from the service.

OPINION OF BOARD: On August 12, 1960, Claimant was dismissed from Carrier's service after having been charged, heard and found guilty of (a) failing to show correct mileage information for the month of June, 1960; and (b) refusing to keep records of inspection trips and car mileage.

Claimant had been employed by Carrier since 1941. At the time of his dismissal he had been working as a Claim Clerk. The major part of his duties was to investigate customer claims against the Carrier. It was necessary to use his car in the performance of these duties, for which Claimant was reimbursed at the rate of eight cents a mile. Carrier's rules required him to fill out a mileage report form (Form 1339) each month specifying actual mileage driven while on Company business.

The evidence of record establishes that mileage claimed by the Claimant for the month of June, 1960, was excessive and that he did, in fact, commit an act of insubordination when on August 4, 1960, he refused to comply with a direct order from his immediate superior that he keep a daily record of his inspection trips and mileage.

A review of the transcript of the investigation shows that Claimant's rights under the rules of the agreement to a fair and impartial trial were observed and protected.

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;

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

In this case, the Board finds no evidence sufficient to justify setting aside or mitigating the discipline imposed. Accordingly, the claim will be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1963.

The Board finds no evidence here to support the allegation that the Carrier imposed "unfair and unnecessarily harsh discipline" against the Claimant.

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;

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

That the Agreement was not violated.

AWARD

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1963.