

Award No. 11961
Docket No. TE-10159

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

William N. Christian, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE NEW YORK CENTRAL RAILROAD COMPANY
(Western District)

STATEMENT OF CLAIM: Claim of the General Committee on the New York Central Railroad, Western District, that:

1. The Carrier unjustly disciplined L. A. Ross for reporting late for work the night of July 7, 1957.
2. The Carrier be required to remove the discipline and clear the record of L. A. Ross, and pay him for all time lost (ten days) which was unwarranted and an abuse of the Carrier's discretion.

OPINION OF BOARD: The issue herein arises from the following disciplinary action against Claimant:

"As result of hearing held Sandusky, Ohio, July 12, 1957, a fifteen (15) day suspended sentence is placed against your service record for your failure to report for duty on regular assignment, third trick BO Sandusky, Ohio, on night of July 7, 1957.

This will make it mandatory for you to serve a previous suspended sentence of ten (10) days effective Monday, July 22, 1957, to July 31, 1957, inclusive, resuming your regular assignment after that date."

Claimant was regularly assigned to the third trick, commencing at 11:30 P. M.; by his own admission Claimant did not report for work until after 2:00 A. M.

Had Employes questioned the asserted fact of the entry of the prior sentence, Employes should have raised the question in the handling of the claim on the property. Had Employes questioned the propriety or merits of the prior sentence, Employes should have appealed from the final decision in that prior disciplinary action.

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 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

Claim denied.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of December 1963.