

Award No. 15167
Docket No. CL-16201

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**
THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5935) that:

(a) Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 6-A-1 (a), 6-C-1 (a) and 6-D-1 (a), by arbitrarily and capriciously dismissing from service, Mrs. Mary Ann Harkins, Clerk, System General Offices, Financial Department, Office of Director of Personnel and Office Services, Philadelphia, Pennsylvania, effective at the close of business January 29, 1964.

(b) Mrs. Mary Ann Harkins shall now be restored to service of the Carrier with seniority and all other rights unimpaired and her record cleared.

(c) Mrs. Mary Ann Harkins shall now be reimbursed for all wage loss sustained as a result of Carrier's action, commencing January 30, 1964, and continuing until adjusted. (Docket 1636.)

OPINION OF BOARD: On January 6, 1964, Carrier charged Claimant in writing with:

"Being habitually late and absent from duty in violation of Rules I-D and II-B of the Rules and Regulations for the Government of Employees in the Financial Department revised as of July 1, 1959."

and trial was set for January 10, 1964. The trial was held on January 10 and 16, 1964. Under date of January 29, 1964, Carrier notified Claimant in writing that she had been found guilty as charged and she was dismissed from service as of the close of business on that date.

In discipline cases our function is to review the record in its entirety to determine whether: (1) in the discipline proceedings the due process provisions of the Agreement were satisfied; (2) if found guilty, in whole or in part, the finding is supported by substantial evidence; and (3) the discipline assessed was excessive for the offense.

We find from our study of this record that: (1) due process was afforded Claimant; (2) there is substantial evidence supporting the finding of guilt as charged; and (3) the discipline assessed — dismissal from service — was not excessive. We will, therefore, deny the Claim.

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of January 1967.