



Award No. 16704
Docket No. CL-17691

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

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

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6450) that:

1. The Carrier violated the Clerks' Agreement when on April 7, 1967, it summarily dismissed Catherine K. Georgian, Steno-Clerk, Los Angeles, California from service.

2. Steno-Clerk Catherine K. Georgian shall now be reinstated to the service of the Carrier with seniority and all other rights unimpaired .

3. Steno-Clerk Catherine K. Georgian shall now be compensated for all wage and losses sustained account this summary dismissal.

4. Steno-Clerk Catherine K. Georgian's record shall be cleared of all alleged charges or allegations which may have been recorded thereon as the result of the alleged violation named herein.

OPINION OF BOARD: The claim herein arose following Carrier's dismissal from service of Claimant Catherine K. Georgian, stenographer-clerk.

On April 3, 1967, Carrier's Division Engineer filed written charges against the Claimant for alleged rule violations resulting from her deportment in her dealings with other employees and reported insubordination to the Assistant to the Division Engineer, and requested that she appear for formal investigation at 2:30 P. M., April 5, 1967. In the letter of charges Claimant was cited for violation of Rules 700 and 701 on numerous specific instances. The investigation was postponed at the request of the Organization until April 7, 1967. A copy of the transcript of the investigation, consisting of 115 pages, has been submitted by the Petitioner and the Carrier.

A careful review of the transcript of the investigation convinces the Board that Claimant was given a fair and impartial investigation, and that none of her substantive rights under the Agreement were violated.

The transcript contains substantial evidence in support of the charges against the Claimant. While some of the evidence was controverted by Claimant, this Board has repeatedly held that it will not attempt to resolve conflicts in evidence.

Based on the entire record, there is no proper reason for disturbing the action of the Carrier, and the claim will, therefore, be denied.

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 30th day of October 1968.