



Award No. 17090

Docket No. CL-17742

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John B. Criswell, Referee

PARTIES TO DISPUTE:

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

KANSAS CITY TERMINAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6438) that:

- (1) The Carrier violated the Agreement when on July 3, 1967, it suspended Usher Everett Huffman from service for a 14 day period.
- (2) Usher Everett Huffman shall now be compensated for all wage and other losses sustained as provided by the Agreement, account this summary suspension.
- (3) Usher Everett Huffman's record shall be cleared of all alleged charges or allegations which may have been recorded thereon as the result of the alleged violation resulting in said suspension.

OPINION OF BOARD: Following an investigation on June 27, 1967, Claimant was suspended from service for 14 days on charges of violation of Rule 10 and part of Rule 13.

A review of the record convinced the Board that none of Claimant's substantive procedural rights under the Agreement were violated.

We can not find that the Carrier was arbitrary, capricious or extremely harsh in the exercise of its judgment. This Board has often denied itself the right to exercise managerial discretion in discipline cases. The claim should 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.

A W A R D

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 April 1969.