

 Award No. 18087
Docket No. MW-18532

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The investigation afforded Crane Operator Norman Iseminger was neither fair nor impartial and the discipline assessed was wholly disproportionate to the charge placed against him. (System File BG-1-69/TM-1-69).

(2) The charge placed against Crane Operator Norman Iseminger be stricken from his personal record and he be compensated for all wage loss suffered in accordance with Rule 21(c).

OPINION OF BOARD: The instant dispute as set out in the Statement of Claim charges that the investigation afforded Crane Operator Norman Iseminger was neither fair nor impartial and that the discipline assessed was wholly disproportionate to the charge placed against him. The claim further requests that the charge placed against Claimant be stricken from his personal record and he be compensated for all wage loss suffered during his suspension.

The record fails to disclose that the Carrier was arbitrary, capricious, or unreasonable in the conduct of the investigation. We find no procedural defects relative to the conduct of the formal investigation.

Contrary to Petitioner's contention, we find the record substantiates Carrier's assessment of Claimant's irresponsibility in falsifying daily reports of labor for work performed on December 18, 1968 and December 27, 1968. The evidence of record was substantial and justified Carrier's action. There is nothing in the record to confirm a charge or sustain a finding of arbitrary or capricious action upon the part of the Carrier. Therefore, the claim will 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 11th day of September 1970.