

Award No. 18254

Docket No. CL-18611

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**

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6696) that:

1. The Carrier violated the rule of the Agreement extant between the parties when it suspended Mrs. Vinnie Doyle from service between January 10, 1969 and March 17, 1969, following investigation held on January 6, 1969.

2. Mrs. Vinnie Doyle be so compensated for each day she was withheld from service until reinstated along with vacation and other rights unimpaired and her record be cleared of the charge.

OPINION OF BOARD: The Claimant was dismissed from Carrier's service on January 10, 1969, for having left her assignment without proper authority on December 31, 1968. On March 17, 1969, she was restored to service on a leniency basis. The claim before the Board is that Claimant be compensated for each day she was withheld from service, that her vacation and other rights be restored, and that her record be cleared of the charge.

The Board has reviewed the transcript of the investigation conducted on January 6, 1969, and finds that there was substantial evidence to support the charge that Claimant absented herself without proper authority on December 31, 1968. There is no basis for finding that the punishment imposed was arbitrary or capricious and the claim for pay for each day Claimant was withheld from service is denied, and, consequently, her record cannot be cleared of the charge. However, her vacation and other rights under the Agreement should be restored.

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 Claimant's vacation and other rights under the Agreement be restored, but that compensation for time withheld from service and request that Claimant's record be cleared of the charge are denied.

AWARD

Claim for compensation for time withheld from service and that Claimant's record be cleared of the charge denied; claim for restoration of vacation and other rights under the Agreement are sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1970.