

Award No. 18355

Docket No. CL-18635

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

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

PENN CENTRAL TRANSPORTATION COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6730) that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 6-A-1, when it assessed discipline of fifteen days' suspension on W. C. Fichtner, Station Baggage man, Pennsylvania Station, Pittsburgh, Pennsylvania, Central Region, Pittsburgh Division.

(b) Claimant W. C. Fichtner's record be cleared of the charges brought against him on October 15, 1968.

(c) Claimant W. C. Fichtner be compensated for fifteen days' wage loss sustained by him as a result of the discipline.

OPINION OF BOARD: Claimant held a position of Extra Station Baggage man, Penn Station, Pittsburgh, Pennsylvania. On October 15, 1968, he was charged:

"Being absent from duty without permission September 1, 7, 8, 12, 13, 16, 18, 21, 22, 27, 28, October 1, 4, 5, 9, and 10, 1968."

Investigation was held on October 22, 1968. Claimant was found guilty as charged and a fifteen day suspension was imposed.

From our review of the record made on the property we find that: (1) Claimant was afforded due process as contractually prescribed in Rule 6-A-1 of the Agreement; (2) there is substantial evidence of probative value supporting the Carrier's finding of guilty as charged; and (3) the discipline imposed was reasonable. We, therefore, will 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 the 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 31st day of December, 1970.