

Award No. 18509
Docket No. CL-18956

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 CINCINNATI UNION TERMINAL COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6852) that;

1. Carrier violated the Agreement when it dismissed Robert Mitchell from service without just and sufficient cause.
2. Mr. Mitchell shall now be restored to service with all rights unimpaired and shall be compensated for all wages lost as a result of Carrier's wrongful action.

OPINION OF BOARD: Following formal investigation conducted on March 31, 1969, Claimant was notified of his dismissal from Carrier's service on April 4, 1969, on the following charges:

"Conduct unbecoming an employe of The Cincinnati Union Terminal Company, in that you improperly parked your car at the Cincinnati Union Terminal Mail Building parking lot on March 20, 1969, thereby blocking the exit of several cars, refusing to promptly move your car when requested to do so and threatening a fellow employe with bodily harm by shooting."

A transcript of the investigation conducted on March 31, 1969, has been made a part of the Record. It is well settled that this Board will not attempt to weigh evidence or to resolve conflicts therein, but if there is substantial evidence to support the charge, and it is not shown that the action of the Carrier was arbitrary, capricious or in bad faith, this Board will not interfere with the discipline imposed. Applying these principles to the Record in this docket, and considering the Claimant's prior disciplinary record, there is no proper basis for disturbing the action of the Carrier. The claim will accordingly 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: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of April 1971.