

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19677
Docket Number CL-19745

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7080)
that:

1) Carrier's action in dismissing Charles Beasley from service was arbitrary and unjust. The penalty assessed was harsh, excessive and out of proportion for a charge of failure to properly accomplish his Check Clerk duties on July 30, 1970.

2) Carrier shall now be required to reinstate employe Charles Beasley on his Check Clerk position in District No. 31 with all rights unimpaired and compensate him for all losses sustained until he is returned to service.

OPINION OF BOARD: This is a discipline case in which we find that: (1) Claimant was afforded due process; (2) there is substantial evidence of probative value which supports Carrier's finding of Claimant's guilt; and (3) the discipline imposed was not unreasonable.

We find no reason to rule on a number of procedural issues raised by the parties in their Submissions. This Opinion is not to be construed as being res adjudicata as to any of those said issues.

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 Employes involved in this dispute are respectively Carrier and Employes 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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E.A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of March 1973.