

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20808
Docket Number CL-20653

Francis X. Quinn, Referee

(T-C Division, Brotherhood of Railway, Airline
(and Steamship Clerks, Freight Handlers,
(Express and Station Employees
PARTIES TO DISPUTE: (
(George P. Baker, Robert W. Blanchette and Richard
(C. Bond, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7502):

1. That the Carrier acted in a capricious and arbitrary manner when he assessed Mr. E. L. Cyphers a 10-day record suspension.

2. That the Carrier remove such discipline from Mr. E. L. Cyphers' personal record.

OPINION OF BOARD: Failure to comply with Operating Rules constitutes a proper basis for applying discipline. However, in view of the circumstances of the instant case, we find the amount of discipline was excessive and unreasonable. The Carrier is to remove the 10-day record suspension from Claimants' personal record.

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 Employee involved in this dispute are respectively Carrier and Employee 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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. F. [Signature]
Executive Secretary

Dated at Chicago, Illinois, this 29th day of August 1975.