

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20823  
Docket Number CL-20790

William M. Edgett, Referee

(Brotherhood of Railway, Airline and Steamship  
( Clerks, Freight Handlers, Express and  
( Station Employees

PARTIES TO DISPUTE: (

(Reading Company  
( Andrew L. Lewis Jr. and Joseph L. Castle, Trustees

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7615) that:

(a) The Carrier violated the Clerks Agreement when on May 8, 1973 it suspended D. E. Cofield, Clerk at Rutherford, Pa., from duty for a period of ten (10) days.

(b) D. E. Cofield be compensated for all wage losses sustained and his service record be cleared.

OPINION OF BOARD: Claimant found it necessary to be absent on April 18, 1973 and had a friend call to advise Carrier that he would not be in. The crew caller testified that he spoke with the person who called and was advised that Claimant would report for duty on April 19, 1973. This advice came after the crew caller specifically asked whether he would be in on that date and the calling party left the telephone, apparently checking this point with the Claimant.

Claimant did not appear on April 19 and it was necessary for Carrier to make other arrangements to protect his position. The testimony of Claimant at the investigation was that the party who called did not advise the crew caller that he would report for duty on April 19. Carrier obviously chose to credit the direct testimony of the crew caller, which was not subject to challenge on cross examination. In doing so it exercised its investigatory right and duty in a manner consistent with the Agreement. There is no procedural infirmity in the record. Carrier's decision was based on substantial evidence and no reason has been shown for upsetting it.

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;

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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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A.W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1975.