

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20962  
Docket Number MW-21071

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(Sand Springs Railway)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The suspension of ten (10) days imposed upon Laborer Thomas Fulbright, Jr. was without just and sufficient cause (System File S-78).

(2) The charges against Claimant Thomas Fulbright, Jr. be stricken from the record and he be compensated for all monetary loss suffered, all in accordance with Rule 24.

OPINION OF BOARD: Carrier imposed suspension of ten (10) days upon Laborer Thomas Fulbright, Jr., following an investigation to determine cause of an altercation between Claimant and Employee Huntley occurring on April 5, 1974.

We find the Carrier met its burden of proving by substantial evidence a finding of guilt on Claimant's part and considering the circumstances Carrier's action in assessing discipline of ten (10) days suspension was not unreasonable or arbitrary. Therefore, the claim is 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*A. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1976.