

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20992
Docket Number CL-21090

William M. Edgett, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline & Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM:

Claim of the System of the Brotherhood (GL-7841)
that:

(a) The Southern Pacific Transportation Company violated the Agreement when it suspended Mr. F. C. Johnson from service for thirty days following investigation; and,

(b) The Southern Pacific Transportation Company shall now be required to allow Mr. F. C. Johnson one day's pay at the rate of Rate Clerk Position No. 179, \$44.41 per day, plus insurance, hospitalization, seniority and all other benefits, beginning March 18, 1974 and continuing until he is returned to service with all of the above emoluments.

OPINION OF BOARD: Claimant was suspended for a period of 30 days for insubordination. At the investigation his own testimony, which as might be expected was corroborated by his superiors, made it clear that he had been insubordinate in failing to carry out an assignment. While the Organization takes issue with the finding of insubordination the transcript clearly shows that Carrier's decision was based on substantial evidence and that no basis for overturning it exists.

The Organization has raised a procedural point in its submission which was not raised on the property. The Board has consistently held that it will not consider issues which have not been handled in the usual manner on the property. In any event, the claim that Carrier did not render its decision as required by Rule 49 is not supported by the 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;

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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 12th day of March 1976.