

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21026
Docket Number SG-20788

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Chicago, Rock Island and Pacific Railroad Company)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago, Rock Island and Pacific Railroad Company:

Appeal of discipline assessed Signal Maintainer M. D. Stowe (thirty demerits) in connection with personal injury he received about 11:00 a.m., June 1, 1973, at Elk City, Oklahoma, with a request that his records be cleared of the discipline and his personal record be cleared of the so-called charges and any reference thereto. /Carrier File: PR - M.D. Stowe/

OPINION OF BOARD: The evidence of record in this case justified the conclusion that Claimant was not using his best judgment in conducting himself safely in compliance with Carrier's Safety Rules. The transcript of investigation further establishes Claimant was afforded a fair and impartial hearing.

While the administration of disciplinary action should not seem haphazard or capricious, it is clear that the imposition of discipline is within managerial discretion. We find no basis for an affirmative Award.

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 31st day of March 1976.