

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21094
Docket Number CL-20991

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(Chicago, Milwaukee, St. Paul and Pacific
(Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7697) that:

1. Carrier violated the Clerks' Rules Agreement at Milwaukee, Wisconsin when it failed to afford employe L. Bintz a fair and impartial investigation.

2. Carrier further violated the agreement when it suspended employe L. Bintz from Carrier service for a period of thirty (30) days, which was arbitrary and unjust.

3. Carrier shall now be required to clear employe L. Bintz's record of the charges made and pay him for all time lost.

OPINION OF BOARD: The record indicates that the claimant was given a fair and impartial hearing.

Nothing in the record indicates the Carrier has acted in an arbitrary or capricious manner, nor is there any evidence of bad faith on the part of the Carrier toward this employe.

The precedent is well established that this Board should not substitute its judgment for that of the Carrier in discipline cases where it has produced substantial evidence that the offense was committed. Accordingly, we shall not disturb Carrier's action.

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 Employes involved in this dispute are respectively Carrier and Employes 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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of June 1976.