

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21571
Docket Number CL-20962

Lloyd H. Bailer, 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-7688, that:

1. Carrier violated the Clerks' Rules Agreement at Council Bluffs, Iowa when on November 1, 1973 it disciplined employe F. L. Hudson without benefit of an investigation.

2. Carrier shall now be required to compensate employe F. Hudson, Jr. for all time lost, and clear his record of the charges made.

OPINION OF BOARD: On October 18, 1973, Carrier's trainmaster, as provided in the discipline rules of the Agreement, notified claimant to appear at an investigation to establish cause and place responsibility, if any, in connection with his alleged failure to properly make up a train list. The next day claimant responded, waiving the investigation and admitting full responsibility for the error in connection with mishandling of a car. Ten days thereafter Carrier's Superintendent notified him that he was suspended from actual service for fifteen days. The claim before the Board seeks removal of the discipline.

In its submission before this Board the Organization does not allege that Carrier solicited or coerced claimant into his preinvestigation admission of responsibility or the waiving of investigation. Under these circumstances the Board must conclude that the Agreement was not violated.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

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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. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 17th day of June 1977.