

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21674
Docket Number CL-21718

Robert J. Ables, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of System Board of Adjustment No. 218
(GL-8152) that:

1. Carrier violated the Agreement between the parties when on September 24, 1975, Mr. S. L. Barlage was given ten (10) days actual suspension from September 26, 1975, to October 6, 1975.

2. The Carrier's action was unjust and unreasonable.

3. Carrier shall compensate Mr. Barlage for each day held out of service with seniority and all other rights unimpaired, plus twelve percent (12%) interest on all monies due.

OPINION OF BOARD: Claimant was suspended for 10 days for operating a company vehicle in a careless and reckless manner.

We have carefully reviewed the entire record in this case and can find no violation of any of claimant's substantive or procedural rights.

The hearing record contains more than substantial evidence, including claimant's own testimony, to show that claimant did, in fact, operate the Company vehicle in a careless and reckless manner resulting in damage to the vehicle. Under the circumstances, the assessment of a ten-day suspension was not an abuse of Carrier's discretion.

We find no basis on which to substitute our judgment for that of the Carrier.

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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 31st day of August 1977.

