

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21714  
Docket Number CL-21617

George S. Roukis, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,  
(GL-8111), that:

1. Carrier violated the Agreement between the parties when on March 8 thru 12, 1975, Clerk L. A. Collier was arbitrarily and capriciously assessed five (5) days actual suspension.

2. The Carrier's action was unjust, unreasonable and an abuse of Carrier's discretion. The discipline was assessed without any proof whatever of the charges made.

3. Carrier shall now compensate L. A. Collier for each day held out of service with seniority and all other rights unimpaired.

OPINION OF BOARD: This is a companion case to that disposed of in Award 21713. The Claimant herein was one of the two clerks charged with a violation of permitting Extra East 2918 to depart Bellevue Terminal on December 29, 1974, without waybills covering seven tank cars containing dangerous lading. Our findings in Award 21713 hold equally well in the instant case and we will sustain this claim.

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

The Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*A.W. Paulus*

Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1977.

