

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21748  
Docket Number CL-20965

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(  
(Robert W. Blanchette, Richard C. Bond,  
( and John H. McArthur, Trustees of the  
( Property of Penn Central Transportation  
( Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,  
GL-7729, that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 6-A-1, when it assessed discipline of "15 days suspended suspension, with any time lost attending the investigation to apply as actual discipline" on Claimant Mrs. L. M. Conrad, Clerk of the Perlman Yard, Selkirk, New York, Northern Region.

(b) Claimant Mrs. L. M. Conrad's record be cleared of the charges brought against her on August 3, 1973.

(c) Claimant Mrs. L. M. Conrad be compensated for "any time lost attending the investigation."

OPINION OF BOARD: Following an investigation on the property, Claimant Conrad was assessed discipline of fifteen days' suspended suspension with any time lost attending the investigation to apply as actual discipline. During the progression of the resulting claim, and without prejudice to Carrier's position in this case or any other case, the Director-Labor Relations removed from Mrs. Conrad's record the statement that she left her position under the guise of sickness. This removal left the Carrier's description of claimant's offense as failure to comply with a supervisor's direct orders. It became evident that claimant did not lose any pay during the investigation. Thus her discipline was limited to a fifteen-day record suspension.

Claimant's rights were not prejudiced by the investigation. The evidence supports the finding of guilt. The discipline imposed upon her was not unreasonable, arbitrary or in bad faith. A denial award is warranted.

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 14th day of October 1977.

