

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22004
Docket Number CL-22070

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
GL-8365, that:

(a) The Southern Pacific Transportation Company violated the current Clerk's Agreement when it dismissed Mrs. F. N. Okafor from service following investigation at which it failed to prove the charges for which she was brought to trial; and,

(b) The Southern Pacific Transportation Company shall now be required to allow Mrs. F. N. Okafor one (1) days' pay at rate of Investigator Position No. B 29, rate \$55.19 per day, beginning September 13, 1976 and continuing each work day thereafter until she is returned to service, plus insurance, seniority and all other rights unimpaired.

OPINION OF BOARD: Pursuant to notice and investigation properly held the Claimant was dismissed from the service of the Carrier for violating Rule 801 of the General Rules and Regulations which states that employees who are insubordinate/quarrelsome or otherwise vicious will not be retained in the service of the Carrier.

The Claimant first alleged that the notice of the charge was not sufficiently precise so as to be in accord with Rule 47. We have reviewed the notice letter from R. E. Hamilton dated September 13, 1976 and find it to be sufficient. The notice was sufficiently precise so as to allow Claimant an opportunity to prepare a defense.

An examination of the transcript of the investigation reveals that sufficient evidence of probative value was present to support the charge. The conduct of the Claimant was indeed quarrelsome and insubordinate. Moreover her remark threatening the life of Mr. Turner would in and of itself support the dismissal.

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 April 1978.

