

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22060
Docket Number CL-22051

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employes
(
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8383) that:

1. Carrier violated the Agreement between the parties when, effective May 24, 1976, it assessed discipline of dismissal on Mr. R. E. Sanders, Agent-Operator, Metropolis, Illinois.

2. Carrier shall now restore Mr. Sanders to service with seniority and all other rights unimpaired, and compensate him for all wage loss beginning May 24, 1976, and continuing until he is reinstated.

OPINION OF BOARD: This case involves the dismissal of the Claimant for "violation of Rules 705 and 706 of the Consolidated Code of Operating Rules by using, without proper authority, railroad credit in making personal telephone calls" on various dates and totaling large amounts of costs.

While the Statement of Claim expresses requirement that the Claimant be restored with wage, benefits and other rights restored, the record clearly indicates the Organization seeks leniency on the basis of prior work record and that dismissal is excessive. Pleas for leniency are not properly before this Board; it is our responsibility to review to ensure the proper application of rules and other provisions. We find no indication that the Carrier did not properly apply rules 705 and 706. We do not, therefore, substitute our judgment for that of the Carrier. Questions of leniency are properly addressed to 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 Employee 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 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 12th day of May 1978.

