

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22084
Docket Number CL-21801

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Consolidated Rail Corporation
((Former Penn Central Transportation Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8189, that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 6-A-1, when it assessed discipline of 10 days' suspension, later reduced to 5 days' suspension, on R. J. Jamrock, Clerk, Colehour Yard, Chicago, Illinois.

(b) Claimant Jamrock's record be cleared of the charges brought against him on February 18, 1975.

(c) Claimant Jamrock be compensated for wage loss sustained during the period out of service.

OPINION OF BOARD: The record shows that Carrier's decision to impose a ten-day disciplinary suspension (subsequently reduced to five days on appeal) of Claimant for failure to protect his assignment on February 14, 1975, was not an abuse of managerial discretion. The Board thus has no reason to interfere. Reference by the Carrier to the Claimant's past disciplinary record was proper insofar as it related to determination of degree of penalty.

The Board finds no procedural defects, as alleged by the Organization, involved in the handling of Claimant's case.

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 31st day of May 1978.

