

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22265
Docket Number CL-21812

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Chicago, Milwaukee, St. Paul and Pacific
(Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8249) that:

1) Carrier acted arbitrarily and capriciously and in violation of the Clerks' Rules Agreement at Chicago, Illinois when it assessed L. W. Balom 90 days actual suspension, plus 30 days suspension previously deferred, or a total of 120 days suspension as a result of investigation on charges alleging tardiness and absence from his assignment.

2) As a result of this violation, Carrier shall now rescind the discipline assessed, clear employee Balom's record and pay him for all time lost.

OPINION OF BOARD: In this case, the evidence is clear and convincing that the Claimant was properly determined to be guilty of charges of tardiness and absence as alleged by the Carrier.

The thrust of the argument advanced by the Organization is that the discipline assessed is excessive and should be adjusted by this Board.

Although we agree that we have the authority in a proper case to adjust the discipline assessed, we do not find sufficient evidence of record to warrant such action in this instance. The findings made by the Carrier and the discipline assessed the Claimant are affirmed.

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

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. Paulose
Executive Secretary

Dated at Chicago, Illinois, this 12th day of January 1979.

