

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22413  
Docket Number CL-22385

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employes  
(  
(The Baltimore and Ohio Chicago Terminal  
( Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8489) that:

(1) The Carrier violated the terms of the Agreement between the Parties when, on January 30, 1975, it imposed discipline of 5 days actual suspension from service upon Utility Clerk James Saplis as a result of an investigation held January 29, 1975, and

(2) The Carrier shall, as a result, be required to compensate Mr. James Saplis five (5) days' pay at the rate of his position for the period January 31 through February 4, 1975.

OPINION OF BOARD: Claimant was charged with conduct unbecoming an employe. The charge involved keypunching of commodity information on two cars of manure. Both loads were punched in a CLIC format for computer entry with a well-known four-letter slang word denoting manure. At the investigation Claimant denied making the entry but it was brought out that his ID Code indicated that the entries were his.

Claimant was given a 5-day suspension for the infraction. Given the nature of the offense and taking into account other factors of contemporary railroading and conduct, we feel that a 5-day suspension was excessive. In our judgment, a reprimand would be an appropriate penalty.

The discipline will be reduced to a reprimand and Claimant shall be allowed compensation for wage loss while serving the 5-day suspension, in accordance with Rule 47(a-6).

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 violated to the extent shown in Opinion.

A W A R D

Claim sustained to the extent indicated in the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of May 1979.