

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22833  
Docket Number CL-22884

Rodney E. Dennis, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8770)  
that:

1. The Carrier violated the effective Clerks' Agreement, when, following an investigation on February 28, 1978, it dismissed Ms. Yolanda Varela from service effective March 3, 1978.

2. The Carrier shall now reinstate Ms. Varela to service, with her seniority and all other rights unimpaired, including payment of her premiums under Travelers Policy GA-23000; shall compensate her for all time lost as a result of this dismissal from service and shall clear her record of the charge placed against her.

OPINION OF BOARD: Claimant was employed by the Belt Railway Company as a yard clerk in carrier's Clearing Yard in Chicago, Illinois. On September 15, 1969, she held a regular relief position at this location. On Tuesday, February 21, 1978, claimant failed to report for her scheduled assignment on the middle track in the East Yard office. She did not report off and could not be contacted by the chief clerk.

On February 28, 1978, a formal investigation was held to determine the facts and claimant's responsibility in the matter. The transcript of that hearing is a part of the record before the Board. At the conclusion of the hearing, carrier notified claimant that her service had been terminated for violation of Rule H.

This Board has reviewed the record of this case and has concluded that none of claimant's substantive procedural rights was violated.

It is a well-accepted rule in the railroad industry, as well as in all other industries, that employes must report for work on a regular basis. It is also a universally accepted principle of labor relations that discipline should be corrective and not punitive. After a careful review of the record of this case, it is this Board's considered judgment

that the penalty imposed by carrier to this point has served its purpose and that claimant should be reinstated to her former position. In making this decision, this Board has taken into account claimant's unblemished work record during her first seven years of employment. This is not to say, however, that claimant's record more recently has been a good one and that she should not be severely reprimanded for it. Claimant in this case should consider this award as a "last chance" and should, in the future, make every effort to be an exemplary employee. This Board will not in any future proceedings, for whatever reason, be as considerate of the organization's position as it now is. Claimant should clearly understand that her record must be unblemished if she wishes to work for carrier and receive the benefits of continued employment.

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 discipline was excessive.

A W A R D

Claimant's discharge shall be reduced to a suspension without pay or benefits, but without loss of seniority.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of May 1980.