

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22905
Docket Number CL-22709

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8690)
that:

1. The Carrier acted in an arbitrary, capricious and unjust manner and violated the agreement between the parties when on March 10, 1978 it suspended Clerk Jessie Thompson from the service for a period of ten (10) working days effective March 13, 1978.

2. In view of the foregoing arbitrary, capricious and unjust action of the Carrier, it shall now be required to:

- (a) Restore Clerk Thompson to service of the Carrier with all seniority, vacation and other rights unimpaired.
- (b) Pay Clerk Thompson for all time lost commencing with March 13, 1978 and continuing until March 27, 1978.
- (c) Pay Clerk Thompson interest at the rate of 10% on the amount claimed under (b) above.

OPINION OF BOARD: On March 4, 1978, the Claimant was notified to appear for an investigation on a charge that she failed properly to mark another employee as laying-off, which resulted in certain overtime payments until another employee could be called.

Subsequent to the investigation, the Claimant was suspended from service for ten (10) working days.

The evidence adduced at the hearing demonstrated that the Claimant did receive a call from another employee at 4:35 a.m. on the day in question, and she was informed by that employee that he was not feeling well. The Claimant advised the employee that she had an extra employee available who could be used to fill the vacancy, and that it would be permissible for him to lay-off. However, she did not follow through or arrange alternate coverage.

The Claimant defended her actions on the basis that she thought a "joke" was being played upon her when she received the telephone call.

After a review of the entire record, we are of the view that there is no procedural deficiency which precludes us from considering the case on the merits. There is nothing presented to us which causes us to dispute the Carrier's finding that the Claimant was guilty, as charged, and under the circumstances, we do not conclude that the discipline imposed was arbitrary and/or capricious.

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 27th day of June 1980.

