

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23126
Docket Number CL-22976

James F. Searce, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and Steamship Clerks,
 Freight Handlers, Express and Station Employees
{ Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8792) that:

1. Carrier acted in an arbitrary, capricious, unjust and discriminatory manner when, without just cause, it assessed a ten (10) day deferred suspension against the record of Clerk-Caller P. R. Givens.

2. Carrier shall now be required to remove and expunge the ten (10) day deferred suspension from the record of Clerk-Caller P. R. Givens and any reference thereto.

OPINION OF BOARD: The record indicates that within a period of several days in January of 1978, the Claimant failed several times to meet the requirements of his position, such errors being of a substantial nature and particularly for an experienced employe of some nine (9) years service at the time. The record further shows that the Claimant readily admitted to such errors of omission, recognized their gravity and was contrite for his actions. It is well-established that such admissions forego any necessity for further proof of the validity of discipline per se, but may leave open the question of the extent of the disciplinary action taken. Here, the discipline was a ten (10) day deferred suspension. This Board is ill-advised to intervene unless a significant showing can be made that the disciplinary action is not commensurate with the offense(s) committed. We find no such basis.

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. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 15th day of January 1981.

