

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23554  
Docket Number CL-23775

Rodney E. Dennis, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and Steamship Clerks,  
Freight Handlers, Express and Station Employees  
{ Washington Terminal Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9315) that:

(a) The Carrier violated the Rules Agreement, effective July 1, 1972, particularly Article 18, when it assessed discipline of 10 days' suspension on W. R. Winbush, Baggage and Mail Handler, Washington, D.C., on July 26, 1979.

(b) Claimant Winbush's record be cleared of the charges brought against him on July 17, 1979 and he be compensated for wage loss sustained in accordance with the provisions of Article 18(e).

OPINION OF BOARD: Claimant was a mail handler at Carrier's Washington, D.C. facility. On July 16, 1979, Claimant was taken out of service for alleged insubordination. A hearing was held in the matter on July 20, 1979. As a result of that hearing, Claimant was found guilty and assessed a 10-day suspension, effective from July 16, 1979, to July 25, 1979. A copy of the transcript from that hearing has been made a part of the record.

A review of that record reveals that Claimant was not denied any of his substantive or procedural rights guaranteed by contract. It also reveals that Claimant did act in an insubordinate manner. This Board on numerous occasions has expressed its dissatisfaction with insubordinate employees. We view insubordination as a serious infraction deserving of discipline. Carrier's assessment of a 10-day suspension in this case is not arbitrary and capricious and therefore must stand.

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.

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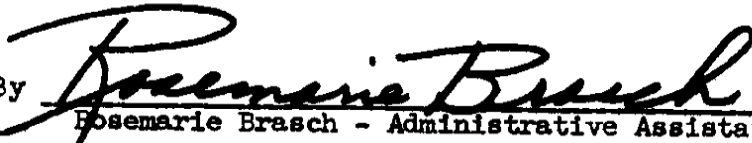
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of March 1982.

