

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23556

Docket Number CL-23784

Rodney E. Dennis, Referee

PARTIES TO DISPUTE:

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9316) that:

(a) The Carrier violated the Rules Agreement, effective July 1, 1972, particularly Article 18, when it assessed discipline of dismissal (later reduced to 57 day suspension) on Baggage Checker Andrew Nathan.

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

OPINION OF BOARD: Claimant Andrew Nathan, a baggage checker in the Union Station, was dismissed from service for allegedly striking an unknown person. His dismissal was later reduced to a 57-day suspension. The reduction of penalty was a result of a hearing into the matter and Claimant's good past record. As a result of the hearings and discussion, Carrier reduced Claimant's penalty to time held out of service.

This Board has reviewed the record of this case and has concluded that a 57-day suspension that happens to coincide with the amount of time held out of service is arbitrary and is too severe a penalty in the given situation. The Board thinks that Carrier could have made its point by assessing a far-less severe penalty than a 57-day suspension. It is of the opinion that a 30-day suspension from service would have been sufficient for Carrier to impress Claimant with the significance of his misbehavior. We therefore reduce the 57-day suspension to a 30-day suspension.

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

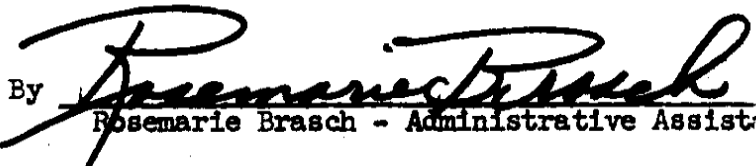
That the discipline was excessive.

A W A R D

Discipline imposed shall be reduced from a 57-day suspension to a 30-day suspension.

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.

