

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23846  
Docket Number CL-22663

Dana E. Eischen, Referee

PARTIES TO DISPUTE: { (Brotherhood of Railway, Airline and Steamship Clerks,  
{ (Freight Handlers, Express and Station Employees  
{ (Soo Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8704) that:

(1) Carrier was unreasonable, unjust and capricious when it suspended Ms. Linda Scott, employed as Inbound/Outbound Card Switching Clerk No. 2 at Schiller Park, Illinois, from service for a period of ten (10) days beginning Sunday, February 13, 1977, to Sunday, February 27, 1977.

(2) Carrier shall now compensate Ms. Linda Scott in the amount she would have earned had there been no suspension, including any overtime worked by the position during the period of suspension.

OPINION OF BOARD: It is not disputed that Claimant negligently failed to comply with specific instructions for the handling of certain cars from the Campbell Soup Company. Specifically, she neglected to note on the switch list that these cars should be carded for the rip track for installation of heaters, despite a specific written instruction from Agency Manager Schiltz on 11/19/76 emphasizing the need to be careful of such matters during the upcoming "heater season." Nor is there any dispute that Ms. Scott's carelessness was proven in a fair and impartial investigation following adequate notice and opportunity to appear and be heard. Thus, the only question presented on this record for our consideration is whether the penalty of a ten day suspension for this offense was arbitrary, unreasonable or capricious in the circumstances of this case. Although the question of discipline imposed by Carrier was harsh we cannot conclude that it was unreasonably so. Claimant had been the recipient of a series of prior written warnings to read her mail and to pay greater attention to the details of her work performance. Given these previous notices and her apparent failure to respond we cannot find the 10-day suspension too excessive as to be arbitrary or unreasonable.

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;

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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: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 28th day of April 1982.

