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NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23889  
Docket Number CL-24022

Ida Klaus, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9459)  
that:

1) Carrier violated the Clerks' Rules Agreement at Bensenville, Illinois when it assessed a seven (7) day deferred suspension on March 21, 1980 to employee P. R. Koziol without proving the alleged charges.

2) Carrier shall now be required to remove the alleged charges, the investigation and the resultant assessed discipline from Employee Koziol's personnel record.

OPINION OF BOARD: The Claimant was assessed a seven-day deferred suspension for failing to comply with instructions governing damage to a company vehicle.

The Organization contends that the charges are not supported by the evidence, because the Carrier failed to prove that any damage had in fact occurred or that the Claimant was aware of any damage.

Having reviewed the record, the Board concludes that the charges are supported by substantial evidence of a probative nature and that the penalty assessed is reasonable. Accordingly, the Carrier's determination must stand, and the claim will be denied.

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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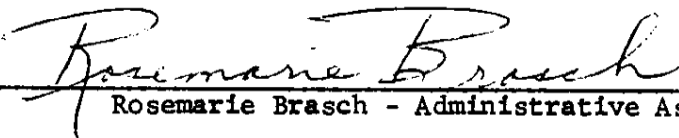
A W A R D

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 26th day of May 1982.

