NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23930
Docket Number CL-23942

Carlton R. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
(Elgin, Joliet and Eastern Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9425) that:

1. Carrier acted in an arbitrary and capricious manner when it suspended Ms. Sally Schumacher from service for a period of ten (10) days commencing on February 3, 1980;

2. Carrier shall now compensate Ms. Schumacher for all time lost as a result of this suspension from service and shall clear her record of the charge placed against her.

OPINION OF BOARD: Claimant was disciplined by a five-day suspension as the fifth offense in a progressive discipline procedure established by the Carrier. The claimant objects to the progressive discipline procedure. The identical issue was raised in an action involving this Carrier and Organization and it was recently decided in Award 23405 that the procedure was proper. We find nothing unusual or shocking about that decision and will uphold it in this award.

In Award 23405 the Board felt as follows:

> "The progressive discipline procedure is the system on this property. Claimant had knowledge of it. It is not an unreasonable system. Indeed, consideration of the Claimant's past record in assessing discipline is good industrial practice. Here, such progressive discipline has been systematized. Moreover, the Organization has acquiesced in its use."
>
> "Under the progressive discipline procedure, this is Claimant's third offense. As such, he is subject to a three (3) day suspension. Since Claimant was treated in accordance with this procedure, we see no reason to overturn the discipline imposed."

In addition, the claimant has raised the issues that she was not afforded a fair and impartial hearing and that the hearing officer had clearly prejudged the case and also that the Carrier had failed to prove by a preponderance of the evidence the charge that was placed against the claimant. We have reviewed the entire record before us and do not agree that the claimant was not afforded a fair and impartial hearing or that the Carrier failed to prove the charge placed against the claimant.

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 Employes involved in this dispute are respectively Carrier and Employes 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 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 30th day of June 1982.