

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23964
Docket Number CL-23999

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-9446)
that:

1) Carrier violated the Clerks' Rules Agreement at Bensenville, Illinois when it arbitrarily assessed discipline of thirty (30) days suspension to Employee S. A. Lewis, having failed to prove the alleged charges, beginning January 24, 1980.

2) Carrier shall now be required to clear the record of Employee S. A. Lewis of the alleged charges and compensate for all lost time from January 24, 1980 to and including February 22, 1980.

OPINION OF BOARD: The Claimant was assessed a 30-day actual suspension for failure to protect a company portable radio entrusted to her care.

The Organization contends that the charges are not supported by the evidence and that the decision and penalty are not just and reasonable.

Having reviewed the record, the Board concludes that the charges are supported by substantial evidence of a probative nature. Accordingly the Carrier's determination as to them must stand. The Board is of the opinion, however, that the discipline imposed was not justified because it was excessive for the offense charged and found. The Board considers an actual suspension of ten days to be warranted in the circumstances. The discipline assessed will be reduced accordingly.

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

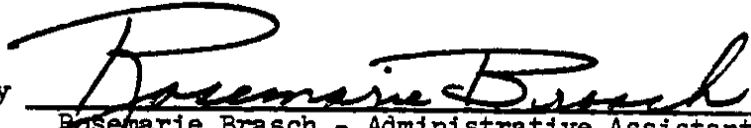
That the discipline was excessive.

A W A R D

The claim is sustained as to discipline imposed. The 30-day suspension of Employee S. A. Lewis shall be reduced to ten days of actual suspension, and she shall be compensated for all time lost beyond ten days by reason of the 30-day suspension. Her record shall be modified accordingly.

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 16th day of August 1982.

