

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24015
Docket Number CL-23813

Josef P. Sirefman, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9311) that:

(1) Carrier violated the Clerk-Telegrapher Agreement when it erroneously determined that Mr. J. I. White violated Rule 951 of Carrier's Operating Book of Rules on December 29, 1977, and suspended him for fifteen (15) days, and

(2) Because of such wrongful action, Carrier shall now be required to exonerate Mr. J. I. White and compensate him for lost wages suffered the date of February 3, March 1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 14 and 15, 1978, and clear his service record of all charges in connection therewith.

OPINION OF BOARD: Claimant, J. I. White, Operator, was served with a notice of investigation "to determine your responsibility, if any, in connection with derailment units 6533 and 4027 about 12:55 PM, Thursday, December 29, 1977...". An investigation was held on February 3, 1978 and on February 27, 1978 Claimant was suspended for fifteen actual days.

A review of the record before the Board establishes through competent evidence that Claimant was responsible for improperly misaligning a switch at the time of the occurrence. There was substantial evidence in the record to sustain the Carrier's decision to discipline Claimant. Given the seriousness of Claimant's actions the fifteen day actual suspension was reasonable.

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 Employee involved in this dispute are respectively Carrier and Employee 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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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 20th day of October 1982.

