

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24017  
Docket Number CL-23949

Josef P. Sirefman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employes  
(New Orleans Public Belt Railroad

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-9413) that:

1) The Carrier acted in an arbitrary capricious and unjust manner and in violation of the Agreement especially Section VI when it suspended M. A. Campbell for fifty (50) days commencing July 28, 1979 and terminating September 15, 1979 inclusive.

2) The Carrier shall now be required to clear M. A. Campbell of all charges presented, clear M. A. Campbell's personal record of said charges and reimburse M. A. Campbell for all time lost due to her suspension.

OPINION OF BOARD: Claimant Myrne A. Campbell, a Clerk, was charged on May 25, 1979 "with insubordination in refusing to answer questions directed to you concerning your whereabouts on Monday, April 23, 1979 at hearing on May 23, 1979, conducted by Mr. D. D. Childress". A hearing was held on September 17, 1979 and Claimant subsequently was suspended for fifty days.

It has long been held that this Board sits in an appellate capacity and does not try or consider cases de novo. A thorough review of the record establishes that there was substantial evidence to sustain the Carrier's decision to discipline Claimant. It further establishes that there has been no reason presented for the Board to interfere with the discipline meted out to 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 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 - Administrative Assistant

Dated at Chicago, Illinois, this 20th day of October 1982.

