

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24468  
Docket Number SG-24550

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen  
{ National Railroad Passenger Corporation

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corporation:

Case NEC-BRS-SD-15D. Claim on behalf of Gary W. Carroll that Carrier rescind the five days' suspension of December 15, 16, 17, 18 and 19, 1980."

OPINION OF BOARD: Following an investigative hearing, the Claimant was subject to a five-day disciplinary suspension for losing a company radio in his possession while on duty. The Claimant admitted to having lost the radio and failed to accept a proposal to make restitution to the Carrier for its loss. He was adjudged guilty of the portion of Rule H which reads as follows:

"Employees must take every precaution to guard against loss or damage to the company property from any cause...."

Procedural objections raised by the Organization were either not timely or were considered by the Board not to affect the fairness of the investigative hearing or the propriety of the resulting discipline. There is no basis to set aside the penalty imposed on 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 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.

A W A R D

Claim denied.

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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 14th day of July 1983.

