

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25404
Docket Number CL-25693

Eugene T. Herbert, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employes
(
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9855) that:

1. Carrier violated Rule 21 of the Agreement when it disciplined Mr. Sherman Redmond with a sixty (60) day suspension following an investigation held on October 15, 1982, as a result of charges placed against him on October 11, 1982, and

2. Carrier shall now be required to compensate Mr. Redmond for all time lost during the sixty (60) day suspension commencing on October 22, 1982, as provided in Rule 21 of the Agreement and remove all references of the charges and investigation from his service record.

OPINION OF BOARD: Claimant was charged with having absented himself from his assigned position without permission. The record reveals substantial evidence that he did so including Claimant's admission that he did not obtain or request the required permission.

Claimant was accorded full due process and the determination of his guilt was neither arbitrary nor capricious. The discipline imposed cannot, under the circumstances, be said to be either harsh or excessive.

Accordingly, the Board finds no basis for sustaining the claim.

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.

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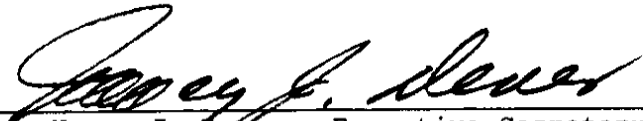
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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1985.