

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27024
Docket No. CL-26799
88-3-85-3-557

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Chicago Union Station Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10042) that:

1. Carrier violated the effective Clerks' Agreement when, following an investigation held on June 19, 1984, it suspended Mr. E. E. Hicks from service for a period of five days; i.e., July 2, 3, 6, 7 and 8, 1984, without just cause;

2. Carrier shall now compensate Mr. Hicks for all time lost as a result of this suspension from service and shall clear his record of the charges placed against him."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant is employed as a janitor by the Carrier. On May 14, 1984, Claimant was instructed to sweep and mop the east entrance area of Chicago Union Station. On May 15, 1984, the General Supervisor Building Services noticed that a spill from the previous day still was visible in this area. On June 11, 1984, Claimant was notified to attend an investigation in connection with the charges:

"Alleged failure to comply with direct order
from General Foreman F. G. Santoyo, Janitor
Department, on Monday, May 14, 1984.

Failure to perform assigned duties while working
as Janitor on Monday, May 14, 1984 at about 8:55
p.m."

The hearing was held on June 19, 1984, and as a result, Claimant was assessed a five-day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.

This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the offense with which he was charged.

Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed by the Carrier. This Board will not set aside a Carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious. In this case, the Claimant received a five-day suspension for his actions. We cannot find that that discipline was unreasonable. Therefore, the claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Devitt - Executive Secretary

Dated at Chicago, Illinois, this 25th day of April 1988.