

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(Mary Bogosto
PARTIES TO DISPUTE: (
(The Pittsburgh and Lake Erie Railroad Company

STATEMENT OF CLAIM: "I am appealing the decision of Mr. R. I. Kilroy's letter of 8-29-86 because I was hassled by my Manager, Mr. F. L. Herrle, now previous Manager of Revenue Accounting, regarding personal leave days. Mr. Herrle phoned me during my vacation and granted my personal leave day of 12-30-85 and wrote me a letter verifying his 'phone conversation. Mr. Kilroy's union contract gave me a series of problems - not joy! I differ with Mr. Kilroy's decision, regarding my deferred suspension.

(5-day deferred suspension should be cleared which was assessed against me on 1-14-86)."

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 were given due notice of hearing thereon.

Following a series of exchanges of correspondence with her supervisor, the Claimant wrote a letter to her Local Chairman, with copy to the Carrier's Personnel Department, characterizing her supervisor in rather harsh terms. As a result, the Claimant was subject to an investigative hearing based on alleged violation of General Rule (T) B, which reads as follows:

"(T) B. Loyalty to the Company is a condition of employment. Acts of disloyalty, hostility or willful disregard of the Company's interests are prohibited. Such acts include, but are not limited to, the following:

1. Insubordination."

During the hearing, the Claimant denied that she was attempting to "slight" the supervisor. The record shows, however, that the Claimant not only severely tried the patience of the supervisor in her repeated attempts to establish personal leave days to her satisfaction, but also culminated this exchange in a disrespectful manner.

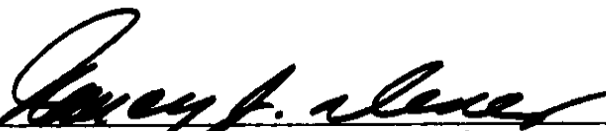
Following the hearing, the Carrier did not find her guilty of insubordination, but concluded that she was guilty of "conduct unbecoming an employee." The disciplinary penalty consisted of five days' deferred suspension. The Board finds no basis to disturb this minimal disciplinary action.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of October 1988.