

BEFORE
PUBLIC LAW BOARD NO. 405

Carrier's File: R-20367
Organization's File: 8-26-Butler

AWARD NO. 166
Case No. 217

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

vs.

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees on the St. Louis-San Francisco Railway Company, that:

1. Carrier violated the Agreement between the parties when on February 29, 1972, it unjustly and arbitrarily suspended from its service, Mr. Ronald Butler, Clerk, Memphis, Tennessee, such suspension beginning September 18, 1972 and continuing for a period of 30 days.
2. Carrier shall allow Mr. Butler a day's pay for each day on which he was not allowed to perform compensated service as a result of this suspension, beginning September 18, 1972 and continuing until restored to carrier's service. Mr. Butler also to be made whole for any loss of protection previously provided for in Travelers Group Policy GA-23000.
3. Carrier violated the Agreement between the parties when on November 1, 1972, it unjustly and arbitrarily dismissed Mr. Ronald Butler from its service.
4. Carrier shall allow Mr. Butler a day's pay for each day on which he was not allowed to perform

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compensated service as a result of this suspension, beginning November 1, 1972 and continuing until re-stored to carrier's service. Mr. Butler also to be made whole for any loss of protection previously provided for in Travelers Group Policy GA-23000.

JURISDICTION OF BOARD:

The jurisdiction of this Board is stated in its Award No. 1. That statement is incorporated herein by reference thereto.

OPINION OF BOARD:

Claimant was notified that his hair length and care did not meet the standards of Carrier, and after another such notice and hearing he was given thirty days' suspension, with the advice that he must comply in order to return to service. At the end of that period he was cited for insubordination and, following that investigation, discharged. He was reinstated after approximately six months.

A number of awards on Public Law Boards, including 157 and 161 of Board 717 and Award 232 of Board 574, have supported the Carrier in similar actions.

It has been mentioned in these that Public Law Boards are confined to consideration of the Agreements negotiated between the parties and the rules thereunder. We cannot consider the application of Federal or State laws or rights under the Constitution.

The good of this and similar actions has been questioned, and their bearing on Carrier-Employee relations has been given scrutiny. However, we cannot find Agreement support for overturning the findings.

FINDINGS:

Public Law Board No. 405, upon the whole record and all the evidence, finds and holds:

1. That Carrier and Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

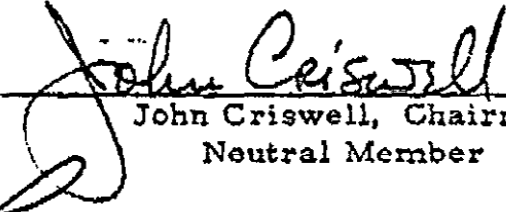
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2. That this Board has jurisdiction over the dispute involved herein; and
3. That the Agreement was not violated

AWARD

Claim denied.


John Criswell, Chairman
Neutral Member


J. A. Thompson, Carrier Member


R. O. Norton, Employee Member

Dated at Springfield, Missouri, this 16th day of May, 1974.