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NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6342  
Docket No. 6165  
2-IC-CM-'72

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute: ( System Federation No. 99, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Illinois Central Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement Car Inspector Leroy Jackson was unjustly suspended from the service of the Illinois Central Railroad for a ninety (90) day period beginning September 20, 1970 current to December 20, 1970.
2. That accordingly the Illinois Central Railroad be ordered to compensate Car Inspector Leroy Jackson for all time lost account of the aforesaid unjust suspension.

Findings:

The Second 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 employe 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.

The Claimant has been employed for fourteen years by this Carrier and was working relief shifts when this dispute arose. The Claimant was instructed by his Foreman on September 19, 1970 to report to the Carrier's supervisor on September 20, 1970. In response to this instruction the Claimant replied, "every man deserves a day off and I will not go to the office because I do not want to see D. Veldhuizen (Carrier Supervisor), in turn he should come to the train yard if he wants to see me." On September 20, 1970 the Carrier's Foreman found the Claimant asleep in a caboose. The evidence was conflicting on this point, but the greater weight of the proof clearly established the finding that the Claimant was sleeping on the job. The

Carrier also introduced evidence of the Claimant's work history. In light of all this evidence this Board cannot say that the Carrier's disciplinary action was arbitrary or capricious.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

E. A. Killam  
Executive Secretary

Dated at Chicago, Illinois, this 7th day of July, 1972.