

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 7, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Soo Line Railroad Company

Dispute: Claim of Employees:

1. That Carmen G. Singleton and G. Rahmer were unjustly suspended fifteen (15) and five (5) working days respectively.
2. Accordingly, the Carrier be ordered to compensate Carmen G. Singleton fifteen (15) days wages, Carmen G. Rahmer five (5) days wages, and the charges removed from their service record.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Because the facts and circumstances were identical, the claims of both Claimants were joined.

Claimants were Car Inspectors working together. Both had doubled over from their regular assignments in relief of 8:00 a.m. to 4:00 p.m. vacation vacancy. At approximately 3:15 p.m. on the day in question, a Yardmaster ordered them to start inspecting Train #18 at Carrier's Shops Yard. They refused on the grounds and for the reasons that they had already worked 15 1/2 hours without lunch, that they had reports to fill out before going off, and that if they began inspecting Trains #18 they would go into overtime.

Claimants were charged with insubordination. After hearing Claimant Singleton was suspended for 15 days and Claimant Rahmer was suspended for five days. Up to this time Claimant Rahmer had a clean record of 20 years' service, and Claimant Singleton had been disciplined by suspension twice during his 24 years of employment with Carrier.

After reviewing the record herein, the Board can find no basis for overturning Carrier's action. The evidence adduced warranted the action taken by Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 2nd day of September, 1975.