

The Second Division consisted of the regular members and in addition Referee Abraham Weiss when award was rendered.

Parties to Dispute:

(System Federation No. 109, Railway Employees'
Department, A. F. of L. - C. I. O.
(Carmen)

Consolidated Rail Corporation

Dispute: Claim of Employees:

- (a) That under the controlling agreement, Coach Cleaner L. W. Green was unjustly dealt with when he was assessed with a thirty (30) day actual suspension from the services of the Reading Company, commencing August 28, 1975.
- (b) That accordingly, Coach Cleaner L. W. Green is entitled to be compensated for all wage loss that resulted from his unjust and improper thirty (30) working day suspension. That he be compensated for all other benefits attached to his employment, plus 6% interest on all monies due him.

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.

Claimant, a Coach Cleaner, was given a 30-day suspension for sleeping while on duty. On the night in question, a member of Carrier's Police Department found Claimant asleep on an upper floor of Carrier's Terminal building, a location removed from his job assignment and work area.

At the investigation, Claimant stated that he was eating his lunch when Carrier's security police found him. But Claimant's Foreman testified that employees had two designated lunchrooms--which did not include the room in which Claimant was found--and that Claimant's duties would not take him to the upper floors of the Terminal building.

The record shows that Claimant had been verbally reprimanded on several prior occasions for being away from his assignment.

We find that Claimant was guilty of the charges and that the 30-day suspension was not unreasonable. We will, therefore, deny the claim.

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 19th day of April, 1979.