

The Second Division consisted of the regular members and in addition Referee Robert A. Franden 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:

1. That the Carrier violated the controlling agreement when on April 15, 1977, it assessed fifteen days actual suspension, April 18, 19, 20, 21, 22, 25, 26, 27, 28, 29; May 2, 3, 4, 5, 6, 1977, to Carman Painter Michael F. Kin, ConRail Repair Facility, Reading, Pennsylvania, as a result of a hearing and investigation conducted on April 6, 1977.
2. That accordingly the carrier be ordered to compensate Carman Painter Michael F. Kin the fifteen days actual suspension as well as any other compensation the Claimant would have earned during the fifteen-day period he was serving his discipline; and further that the Carrier remove all record of this discipline and that the Claimant's service record be restored unimpaired.

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 was suspended from the service of the Carrier for fifteen days for failing to comply with the instructions as to reporting off.

The Claimant alleges that he was found guilty of an offense not contained in the charge and that the charge was not precise.

We have reviewed the notice dated April 1, 1977, and find it to meet the test established by this Board as to its efficiency. Evidence of probative value was presented at this hearing sufficient to support the finding of the hearing officer. The discipline assessed was commensurate with the offense. We will 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 14th day of November, 1979.