

The Second Division consisted of the regular members and in addition Referee Higdon C. Roberts, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 162, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Southern Pacific Company violated the current agreement when Radio Equipment Installer K. P. Blount was not afforded a fair and impartial investigation.
2. That the Southern Pacific Company unjustly treated Radio Equipment Installer K. P. Blount in violation of the current agreement when they improperly suspended him from service beginning April 2, 1979 through April 30, 1979, for a total of twenty-one (21) days.
3. That accordingly, the Southern Pacific Company be ordered to completely clear the Claimant's record of all charges and the results of the investigation held as contained in the discipline letter dated April 2, 1979. Identified and shown as Employees' Exhibit "A".

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 (K. P. Blount) had been moved around long distances several times filling short temporary vacancies in his job classification of Radio Equipment installer. When there was no permanent or further temporary position at this classification, he was offered the option of working below his normal classification. At this time, March 13, 1979, claimant requested personal leave of his supervisor, C. L. Holden. Claimant contends he requested "indefinite leave" and it was granted by Mr. Holden. Mr. Holden contends he did not hear the word "indefinite" and assumed claimant was requesting leave for the remainder of that working day.

Claimant felt that since he had not chosen to exercise the option of working at a lower classification, he had no position to protect, and, therefore, need not pursue the normal written procedure for personal leave.

Carrier contends that leave had been granted to the claimant for only one day, and his subsequent absence violated Rule M 18, Section VI of the General Regulations.

What emerges from the evidence is serious failure to communicate on the part of both the claimant and the carrier. We, therefore, order the suspension reduced to 10 days.

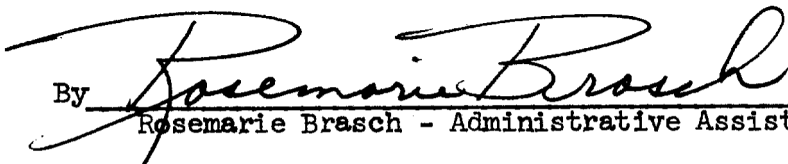
A W A R D

Claim sustained to the extent indicated in the findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 23rd day of July, 1980.