

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 8422
Docket No. 8329
2-SLSF-CM-'80

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. 22, Railway Employees'
Department, A. F. of L. - C. I. O.
(Carmen)
St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That the St. Louis-San Francisco Railway Company unjustly suspended Carman D. C. Polley, Springfield, Missouri, from service on January 31, 1979, through March 1, 1979, a thirty (30) day actual suspension.
2. That the St. Louis-San Francisco Railway Company be ordered to compensate Carman C. D. Polley for all time lost due to suspension, plus six percent (6%) interest, all seniority rights and other benefits that are a condition of employment unimpaired.
3. That Carman C. D. Polley's record be cleared of this instant matter.

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.

There are some serious conflicts in the testimony of the parties. It is difficult to determine if the claimant was actually sleeping on the job. It is clear, however, he was not hiding out since the foreman knew exactly where to find him. The unsuccessful attempt to reach the claimant by means of the P.A. system may have been the fault of the P. A. system, rather than the inattentiveness of the claimant.

The claimant was, however, in technical violation of the rule by not being fully alert and giving his undivided attention to his duties. In view of the circumstances, and the claimant's prior record, we find the penalty excessive and order the 30-day suspension reduced to 10 days.

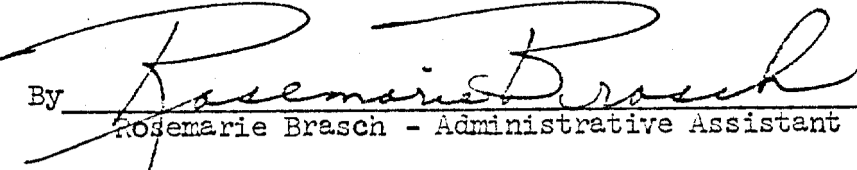
A W A R D

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.