

The Second Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

Parties to Dispute: { International Association of Machinists and
{ Aerospace Workers
{ Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Carrier violated the controlling Agreement on September 17, 1978 when it held Machinist B. K. Fields out of service for fourteen (14) working days pending an investigation held on October 4, 1978.
2. That the Carrier unjustly suspended Machinist B. K. Fields on October 5, 1978 through October 20, 1978 resulting in ten (10) additional lost working days.
3. That, accordingly, he is entitled to be compensated for twenty-four (24) days lost wages for the period he was suspended from service September 17, 1978 through October 20, 1978.

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 employees 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.

On September 16, 1978 after reporting to work at 7:30 A.M., the claimant, Machinist B. K. Fields, was questioned by his foreman in the presence of other employees. The discussion concerned rest days and quickly became a verbal argument. The claimant alleges he was reprimanded in public and given permission to leave his assignment. The foreman alleges he was properly questioning claimant ~~over an unreported~~ absence and that claimant became angry and left his job assignment.

A careful review of the record indicates there was a basis for the foreman's concern. The claimant did leave his assignment without permission.

However, while we will support discipline for leaving an assignment without permission, we will fault the foreman for the manner and method he exhibited in questioning the grievant in public. We conclude that the discipline is excessive and should be reduced to fourteen (14) days. Machinist Fields is

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entitled to be compensated for ten (10) days' lost wages - October 5 to October 20, 1978.

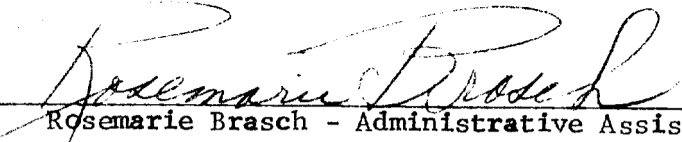
A W A R D

Claim sustained in accordance with 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 24th day of February, 1982.