

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
( Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated the controlling agreement when they unjustly suspended Carman W. M. Joyner from the service of the Company for thirty (30) days, January 23, 1980 through February 21, 1980.
2. That this discipline was imposed upon Carman Joyner not because he was guilty of dishonesty as charged in the notice of investigation, but to harass and intimidate Mr. Joyner and his witnesses because of a personal injury law suit that Carman Joyner had filed against the Seaboard Coast Line Railroad Company.
3. That the Seaboard Coast Line Railroad Company violated Rule 32 of the Controlling Agreement and in so doing, they committed the following procedural defects:
  - (a) They did not give Carman Joyner a prompt hearing.
  - (b) They apprised Mr. Joyner in writing of the precise charge against him and in the investigation it was proven that Mr. Joyner was not guilty of this precise charge. The Conducting Officer then refused the request of Mr. Joyner's representative to dismiss these false charges brought against Mr. Joyner, therefore, Mr. Joyner did not receive a fair hearing.
4. That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate Carman Joyner for eight (8) hours each day lost due to his suspension from January 23, through February 21, 1980, at pro rata rate of pay, all overtime he would have made, all other benefits that would have accrued to his position, and that his personal record file be cleared of these unjust charges and discipline.

Statement:

The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to organization in ex parte form, hearing thereon was waived, and the Division is now in receipt of a request from the employees that the case be withdrawn.

A W A R D

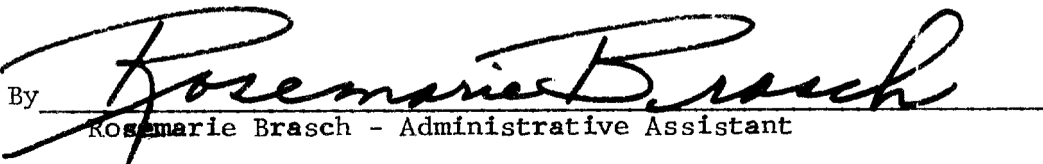
Claim dismissed.

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Award No. 9002  
Docket No. 9325  
2-SCL-CM-'82

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 17th day of March, 1982.