

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Belt Railway Company of Chicago

1. That, as a result of an investigation held on March 26, 1980, Carman David Higns was suspended from service for two (2) days, April 5, 1980 and April 6, 1980, and Carman Patrick Keating was suspended from service for a thirty (30) day period from April 1, 1980 through April 30, 1980. Said suspension is arbitrary, capricious, unfair, unjust, unreasonable and an abuse of managerial discretion as well as being in violation of Rule 20 of the current working Agreement.
2. That The Belt Railway Company of Chicago be ordered to compensate Carmen Higns and Keating the exact amount of their losses, or any and all wage losses sustained, plus interest at the current rate on the amount of reparations due.

Claimants contend that on previous occasions they had been allowed an

extended lunch period. Witnesses for the Carrier strongly indicate to the contrary. This Board will not upset the conclusions of the hearing officer, who is present and able to deduce from the testimony and demeanor of the witnesses, absent a clear showing of arbitrary, capricious, or unreasonable action on the part of the hearing officer.

The organization further claims that the discipline as to the two Claimants is excessive. Claimant Keating was assessed a thirty day suspension; Claimant Higen was suspended for two days. The record indicates that Claimant Keating had previously been assessed a thirty day suspension. This Board finds that the amount of discipline assessed against the two Claimants was fully warranted and justified. There is no justification for this Board to consider any modification of the discipline imposed.

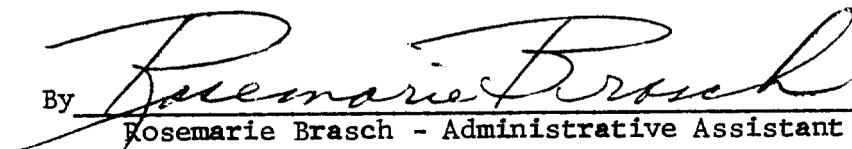
A W A R D

Claim denied.

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 28th day of April, 1982.