

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

1. That under the current Agreement, Carmen W. C. Foster, J. C. Hunter, B. Clark, Jr., E. V. Ball and A. Dawkins, Hayne Shop, Spartanburg, S. C. were unjustly suspended from service for five (5) days from February 25th through February 29, 1980.
2. That accordingly, the Carrier be ordered to pay the above named Carmen five (5) days pay each plus six percent (6%) annual interest.

Reviewing the record, this Board finds that the following with respect to each Claimant:

Claimant Foster	Admitted being in wash room eating past the allotted 15 minutes
Claimant Clark	Admitted eating and making a phone call
Claimant Dawkins	Admitted eating making a phone call and overextending lunch period
Claimant Ball	Admitted being finished for ten minutes
Claimant Hunter	Admitted, with supporting evidence, that he continued to work, after being told at 8:05 P.M. that others were taking their lunch break; he finished two weld patches and a door handle subsequent to 8:05 P.M. before taking meal break.

This Board will not substitute its judgment for that of the Carrier, if evidence appears on the record and the reasonable inferences the Carrier makes thereof, to justify the Carrier's finding of fact and appropriate measure of discipline. Therefore, as to Claimants Foster, Clark, Dawkins and Ball, this Board concurs with the findings and measure of discipline deduced and imposed by the Carrier. However, we do not find "substantial evidence", nor the reasonable inferences thereof, as to Claimant Hunter, to support the finding of fact made by the Carrier. Therefore, the claim of Mr. Hunter is upheld. Claim for interest is denied.

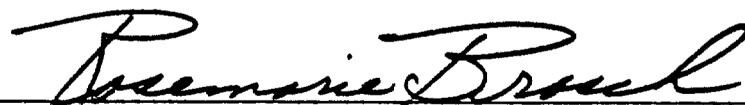
A W A R D

Claim sustained in accordance with the Findings.

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 30th day of June, 1982.