

The Second Division consisted of the regular members and in addition Referee Barbara W. Doering when award was rendered.

Parties to Dispute: { International Brotherhood of Firemen & Oilers
 { Soo Line Railroad Company

Dispute: Claim of Employees:

1. That in violation of the current agreement, Mr. Bruce Hanson, laborer, Minneapolis, Minnesota, was unjustly suspended for 3 days from service of the carrier following a hearing held on that date of October 24, 1980.
2. That, accordingly, The Soo Line Railroad Company be ordered to compensate Mr. Bruce Hanson for three (3) days pay at the pro rata rate.

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.

The record in this case establishes that a hearing was properly called and conducted on the charge of "running the roundhouse jeep into end of No. 2 stall pit at Shoreham Roundhouse on October 11, 1980 at 2130 hours."

However, the record shows that Claimant was not the operator of the jeep but a passenger at the time; it is not refuted that Claimant had finished his particular assignment and that he was en route to assist another employe. While we agree with the Carrier that employes are not to be permitted to wander around under the guise of looking for work, we also fail to see the connection between Claimant's failure to secure permission in this matter and the responsibility for the accident for which he was disciplined. Arguably, Claimant could be found guilty of leaving his assigned work area without permission. But that was not the infraction with which he was charged. Second Division Awards 2199, 3808, 8747.

A W A R D

Claim sustained.

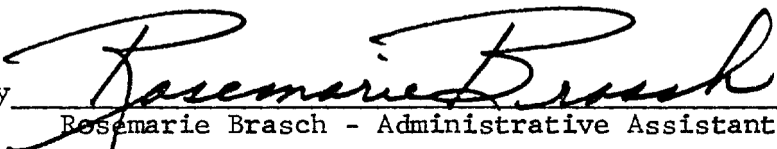
Form 1
Page 2

Award No. 9476
Docket No. 9618
2-S00-F0-'83

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 4th day of May, 1983.