

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

Parties to Dispute: { International Brotherhood of Firemen & Oilers  
{ Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Under the current controlling Agreement, Mr. R. G. Pridgeon, Laborer, Marshalltown, Iowa, was unjustly dealt with when assessed with a thirty (30) day deferred suspension, following hearing held on March 13, 1981.
2. That accordingly, the Chicago and NorthWestern Transportation Company be ordered to remove any reference of the thirty day deferred suspension from his record.

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.

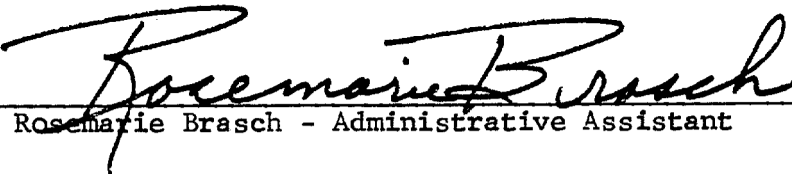
We have reviewed the entire record regarding this claim and it is our opinion that the Carrier acted properly by imposing a thirty (30) day deferred suspension on the Claimant. The Claimant in this instance, being of the opinion it was not his turn to perform an overtime assignment unequivocally refused to perform the assignment and instead clocked out and left the property. The Claimant in essence resorted to a self-help remedy other than that prescribed by the grievance procedure in the Collective Bargaining Agreement. While we are aware that there are situations such as protecting one's safety where we might condone such actions, this was not the case in this incident.

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 25th day of May, 1983.