

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11877
Docket No. 11777
90-2-89-2-91

The Second Division consisted of the regular members and in addition Referee Joseph S. Cannavo, Jr. when award was rendered.

PARTIES TO DISPUTE: ((International Brotherhood of Electrical Workers
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

1. Appeal of thirty (30) day suspension imposed on Electrician M. C. Drewett by the Consolidated Rail Corporation on February 5, 1988, later reduced to a fifteen (15) day suspension.

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 employes 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 were given due notice of hearing thereon.

On February 5, 1988, the Claimant was assessed a thirty (30) day suspension after a formal Hearing was held. The Claimant was charged with leaving his place of duty without permission and falsely claiming time for work (1 hour, 45 minutes). Solely on the basis of leniency, the Carrier reduced the thirty (30) days suspension to fifteen (15) days.

The Board has reviewed the record. The preponderance of the evidence indicates that the time which the Claimant is accused of leaving his assignment was spent cleaning sludge and hazardous material off his clothing. While this Board is reluctant to disturb or interfere with disciplinary action taken by a Carrier, it will do so when the Carrier's actions are not reasonably based. As that is the case, herein, the Board sustains the Claim and grants the relief requested.

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A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June 1990.