

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISIONAward No. 12829  
Docket No. 12770  
95-2-93-2-125

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

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

STATEMENT OF CLAIM:

"(1) Appeal of discipline of five (5) day suspension of service imposed upon Electrician J. M. Rissinger of Enola, PA by the Consolidated Rail Corporation by a notice dated April 20, 1992."

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

On March 19, 1992, Claimant was issued a notice of charges reading:

"Your failure to properly mark off duty to your immediate supervisor, R. K. Willard, on March 14, 1992 at approximately 1:35 p.m. at the Enola Diesel Terminal, Enola, PA."

The trial was held on April 14, 1992, and Claimant was assessed a five day suspension, which was later reduced to a reprimand during the on-property handling.

A review of the trial establishes that Claimant did advise his Supervisor, Mr. R. K. Willard, of his intention to leave early and at the time no valid objection was raised. In fact, testimony addressed at the hearing established that the Supervisor was aware of Claimant's desire to leave early. It also was established by the Supervisor's own testimony that he was not available at the time claimant did leave.

Although Claimant claimed a full day's pay, and had someone else sign his time card on March 14, 1992, he was not charged with these indiscretions.

The Carrier did not establish that Claimant failed to mark off properly. The discipline is to be rescinded, Claimant's record cleared of all charges relative to the dispute and he is to be compensated for all wages lost (if any).

AWARD

Claim Sustained.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By order of Second Division

Dated at Chicago, Illinois, this 26th day of January 1995.