

The Second Division consisted of the regular members and in addition Referee Abraham Weiss when award was rendered.

Parties to Dispute: { System Federation No. 42, Railway Employees'  
{ Department, A. F. of L. - C. I. O.  
{ (Carmen)  
{  
{ Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated terms of the controlling agreement when they suspended Carman Apprentice Luther Cochran from service July 11, 1977 through August 9, 1977 (30 days).
2. That the Seaboard Coast Line Railroad Company be ordered to compensate Carman Apprentice Luther Cochran for all time lost, eight (8) hours each day, forty (40) hours each week, at pro rata rate for the time of his 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 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.

Claimant, a Carman Apprentice, was suspended from Carrier's service for 30 days, from July 11, 1977 through August 9, 1977, for violation of Carrier's Rule 26 which states:

"Employees must not absent themselves from their duties without permission from the proper authority."

At the time of the incident giving rise to the charge, April 30, 1977, Claimant had served as an apprentice for about two and one-half years. On the day in question, Claimant was instructed to disconnect yard steam from the rear of Train 84. When Claimant broke the steam connection, live steam blew from the pipes. Claimant clocked out, allegedly without informing his Foreman, but asked a Coach Cleaner, present at the time he punched his card out to tell the Foreman he had a headache and was leaving.

Claimant asserted at the hearing that the Foreman told him that he had turned off the steam valves. Claimant also stated that he had never done the work before but when questioned stated that he had disconnected steam connectors "without the steam on them".

The record indicates that Claimant was reluctant to perform the work of disconnecting the steam, suggesting to the Foreman that a Pipefitter be assigned to the task. The Foreman testified that Claimant was the only employee available at the time to do the work.

No evidence was presented that the operation was unsafe; that Claimant received any injury, Claimant testifying that he was not injured; that Claimant reported to the Foreman that he was leaving to go home or that he received permission to leave his duties.

Claimant's witnesses testified he told them that he had no permission to leave.

The Foreman testified at the hearing that Claimant did not inform him that he was going home or that he was sick, and that the Coach Cleaner, relaying Claimant's message, did not tell him Claimant was sick but only that Claimant was going home.

Claimant had been an apprentice for two and one-half years when the events described above occurred. He should have known how to safely perform the job assigned him. He acknowledged that he did not comply with Rule 26.

The record further disclosed that Claimant had previously been suspended for violation of Rule 26.

We have no reason to question management's action in imposing the discipline meted out and, accordingly, we will deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 27th day of September, 1979.