

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

Parties to Dispute: ( System Federation No. 109, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( Consolidated Rail Corporation

Dispute: Claim of Employee:

- (a) That the Carrier violated the controlling agreement when on March 17, 1977 it assessed five days actual suspension, March 21, 22, 23, 24 and 25, 1977, to Carman Painter Michael F. Kin, ConRail Repair Facility, Reading, Pennsylvania, as a result of a hearing and investigation conducted on March 1, 1977.
- (b) That accordingly the Carrier be ordered to compensate Carman Painter Michael F. Kin the five days actual suspension as well as any other compensation the Claimant would have earned during the five-day period he was serving his discipline; and further that the Carrier remove all record of this discipline and that the Claimant's service record be restored unimpaired.

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.

Claimant was suspended for five (5) days after an investigation wherein it was determined that he bore responsibility for his unsatisfactory attendance record and excessive tardiness, from January 18, 1977 to February 4, 1977.

The transcript of the investigation shows that substantial evidence of probative value was produced to support the finding of the hearing officer. Further, the discipline assessed was well within the bounds of reason.

The procedural issues raised by the claimant as to the fairness of the investigation and the precision of the charge are unsupported. We will deny the claim.

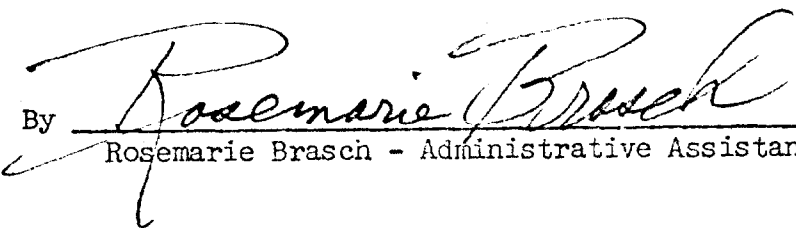
A W A R D

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 14th day of November, 1979.