

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 99, Railway Employees'
Department, A. F. of L. - C. I. O.
(Firemen & Oilers)
(Illinois Central Gulf Railroad Company

Dispute: Claim of Employees:

1. That Laborer C. E. Thomas was unjustly disciplined for thirty working days from May 7, 1978 to June 18, 1978.
2. That accordingly, the Illinois Central Gulf Railroad be ordered to compensate Laborer C. E. Thomas for all time lost during the period from May 7, 1978 to June 18, 1978 and that all benefits for that period be restored.

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 given a 30 - working day disciplinary suspension for failure to perform his assigned duties in regard to cleaning two locomotives as assigned to him on April 4, 1978. Claimant is a Shop Laborer with assigned duties to clean and supply locomotives and perform other laborer's work.

An investigative hearing was conducted in fair and proper manner. During the course of the hearing, the Claimant stated that he had cleaned the two locomotives in question and had so indicated by check mark on the appropriate notice board. Testimony by Carrier representatives credibly indicated that the locomotives had not in fact been cleaned.

The Claimant attempted to explain that there had been an exchange of a switch engine for one of the engines in question, but this did not offer any justification for his statement that his work had been completed and that he was "caught up".

As to the severity of the penalty, Claimant's disciplinary record includes numerous previous infractions. The Board finds no basis to question the 30-working day penalty which was imposed.

Form 1
Page 2

Award No. 8242
Docket No. 8203
2-ICG-FO-'80

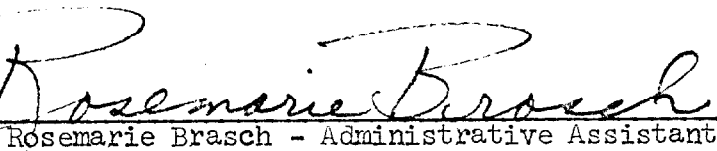
A W A R D

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 16th day of January 1980.