

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

Parties to Dispute:      { System Federation No. 4, Railway Employees'  
                                 { Department, A. F. of L.      -      C. I. O.  
                                 { (Boilermakers)  
                                 {  
                                 { Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

1. That the Baltimore and Ohio Railroad Company, hereinafter referred to as the carrier, violated Rules 5, 19 and 32 of the current agreement. Also the established practice for reporting off from work at the Cumberland Locomotive Shops, Cumberland, MD., when on December 23, 1977, boilermaker T. E. McKenzie, hereinafter referred to as the claimant, was actually given a thirty (30) days suspension. The actual days of suspension being from March 14th to and including April 13, 1978.
2. That accordingly, the carrier be ordered to compensate the claimant for all lost time and make him whole for any other loss of benefits that may have resulted from this 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 employees 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.

On November 24, 1977, the claimant had worked for the carrier for seven months as a boilermaker at the Cumberland Locomotive Shop. The claimant was assigned to work on Thanksgiving Day because he was the junior employee on the seniority roster. The claimant did not report to duty on Thanksgiving Day and he was charged with insubordination, failure to protect a job assignment and absent without permission. After an investigation held on November 28, 1977, the carrier imposed an actual suspension of thirty work days.

This Board finds that the hearing, in procedure and substance, was fair and the claimant had ample opportunity to present his case. The claimant received notice of the investigation three days in advance and the claimant did obtain the Local Chairman to represent him.