

The Second Division consisted of the regular members and in addition Referee James F. Scearce when award was rendered.

Parties to Dispute: ( System Federation No. 76, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Chicago and North Western Transportation Company

Dispute: Claim of Employee:

1. Freight Car Inspector Antone Struckley III was unjustly assessed ten days suspension on March 21, 1977.
2. Freight Car Inspector Antone Struckley III was unjustly charged with wearing improper footwear when reporting to work on January 22, 1977.
3. That the Chicago and North Western Transportation Company be ordered to compensate Freight Car Inspector Antone Struckley III for all time lost at eight (8) hours per day for the ten (10) days he was unjustly suspended.

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 was assessed a ten-day suspension for reporting for work -- on a new assignment -- in "street-type shoes" (slip-on, low cuts) in violation of stated Carrier regulations that work boots were proper footwear. The Claimant indicated he felt the dress-type shoes would suffice on the new assignment; the Carrier concluded otherwise. It was necessary that he leave the duty station to obtain proper footwear and, as a result, was absent from his station for that period.

What might otherwise appear to be a minor infraction takes on significance when it is observed that the Claimant, with less than one-year's service, had already accrued four safety-related admonishments including a Letter of Reprimand. He had also suffered six or seven injuries during the same period. It is well-known that workers in this industry must exercise considerably more care and attention to their duties than in other industries. We find the Carrier had cause to "get the Claimant's attention" to the importance of safe working practices. Under such circumstances and considering the record of offenses already amassed, the suspension was justified.

A W A R D

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 4th day of June, 1980.