

The Second Division consisted of the regular members and in addition Referee Edwrad M. Hogan when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States  
and Canada  
{ Belt Railway Company of Chicago

Dispute: Claim of Employees:

1. That, as a result of an investigation held on March 26, 1980, Carman David Higen was suspended from service for two (2) days, April 5, 1980 and April 6, 1980, and Carman Patrick Keating was suspended from service for a thirty (30) day period from April 1, 1980 through April 30, 1980. Said suspension is arbitrary, capricious, unfair, unjust, unreasonable and an abuse of managerial discretion as well as being in violation of Rule 20 of the current working Agreement.
2. That The Belt Railway Company of Chicago be ordered to compensate Carmen Higen and Keating the exact amount of their losses, or any and all wage losses sustained, plus interest at the current rate on the amount of reparations due.

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.

This is a discipline case involving the suspension of two employees for the unauthorized taking of an extended lunch break without permission and an additional charge against one of the employees for becoming insubordinate to his supervisors when questioned by them as to why he had done so. Claimants admit that they were late in returning from lunch due to poor service at a restaurant. The facts of the case indicate the Claimants took an additional twenty-five minutes beyond the allowable thirty minute lunch period. Rule H of the Carrier states in its pertinent parts:

"Employees must ... attend to their duties during the hours prescribed ... They must not absent themselves from duty ... without proper authority."

Claimants contend that on previous occasions they had been allowed an

extended lunch period. Witnesses for the Carrier strongly indicate to the contrary. This Board will not upset the conclusions of the hearing officer, who is present and able to deduce from the testimony and demeanor of the witnesses, absent a clear showing of arbitrary, capricious, or unreasonable action on the part of the hearing officer.

The organization further claims that the discipline as to the two Claimants is excessive. Claimant Keating was assessed a thirty day suspension; Claimant Higen was suspended for two days. The record indicates that Claimant Keating had previously been assessed a thirty day suspension. This Board finds that the amount of discipline assessed against the two Claimants was fully warranted and justified. There is no justification for this Board to consider any modification of the discipline imposed.

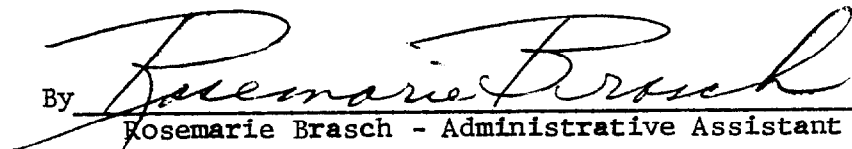
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 28th day of April, 1982.