

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

Parties to Dispute: { International Brotherhood of Electrical Workers
 { Consolidated Rail Corporation

Dispute: Claim of Employee:

1. That the action of the Consolidated Rail Corporation (Conrail) in assessing five (5) days deferred suspension to Electrician Bernard C. Osburn was unjust, arbitrary and deliberate abuse of power by the Carrier.
2. That the Consolidated Rail Corporation (Conrail) be ordered to remove the five (5) days deferred suspension from the record of Electrician Bernard C. Osburn.

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 claim involves a five day, deferred suspension issued the Claimant, Electrician Bernard C. Osburn. The Organization argues the Claimant was denied a fair and impartial trial on the grounds he was denied the opportunity to face his accuser.

Upon review, this Board is satisfied the transcript established the Claimant was instructed to proceed to a disabled train, and the assignment was not completed. The Organization and Claimant had ample opportunity to question the testimony of Carrier witnesses directly involved. For whatever reason, the Claimant chose not to follow instructions. The Board finds absolutely no merit in the contentions advanced in his behalf. Under these circumstances, this Board finds no error in the Carrier's determination to impose a five day, deferred suspension upon the Claimant.

A W A R D

Claim denied.

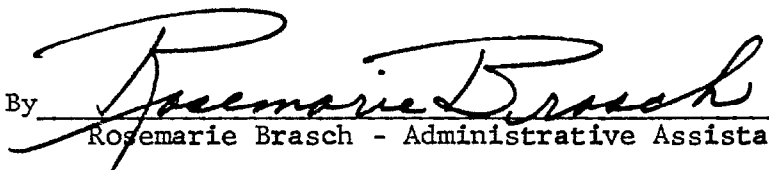
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Award No. 9468
Docket No. 9455
2-CR-EW-'83

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 4th day of May, 1983.