

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States  
and Canada  
{ Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Norfolk and Western Railway Company violated the Rules of the current working agreement and associated rules; namely, Rules 32, 34, Agreement dated October 1, 1952, when Carman A. W. Kelley was assessed a ten (10) day deferred suspension on October 3, 1980, as a result of investigation held on August 15, 1980, at Buffalo, New York.
2. That, should Carman A. W. Kelley lose any time due to the ten (10) day deferred suspension assessed on October 3, 1980, the Norfolk and Western Railway Company be ordered to pay Carman A. W. Kelley for all time lost, return him to service with seniority rights unimpaired, make him whole for all vacation rights, make him whole for all health and welfare and insurance benefits, make him whole for pension benefits, including Railroad retirement and Unemployment Insurance, make him whole for any other benefits that he would have earned during the time he was held out of service.
3. That the Norfolk and Western Railway Company be ordered to remove from Carman A. W. Kelley's service record any and all reference to investigation held on August 15, 1980, and assessment of ten (10) day deferred suspension on October 3, 1980.
4. That the Norfolk and Western Railway Company be ordered to apologize to the Brotherhood Railway Carmen of the United States and Canada, New York Lodge 694 for carrier's harassment of its Local Chairman.

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, A. W. Kelley, is employed as a Carman working in Carrier's coordinated facility in Buffalo, N.Y. On July 14, 1980, Carrier charged Claimant with failing

to follow his Supervisor's order to prepare AAR billing forms (MP-573's) for various cars outside the shop. A hearing into the matter took place. The transcript of that hearing has been made a part of the record of this case.

A review of that record reveals that Claimant was afforded a fair hearing, as required by agreement, and that Carrier was justified in its assessment of discipline. Claimant did not follow his Supervisor's order to prepare headings on repair bills for each car in the shop and the specified cars outside the shop. Claimant failed to complete these assignments at his own peril. He is a long-term employee who should fully realize his responsibility in following orders.

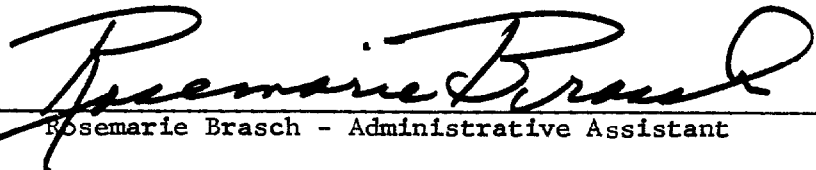
A W A R D

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 18th day of May, 1983.