

The Second Division consisted of the regular members and in addition Referee Josef P. Sirefman when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada
(
(Soo Line Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement, Carman Michael Rathsack, Shoreham Shops, Minneapolis, Minnesota was improperly suspended from service, November 29, 1979 to December 21, 1979.
2. That accordingly, the Carrier be ordered to compensate the aforementioned employee for loss of (15) fifteen days, for being unjustly removed from service and that investigation to be removed from his personal file, for Soo Line R.R. violation of Rules 31, 32, 34, and 41, Par.1.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 Freight Carman Michael Rathsack was charged with leaving his assigned work area without proper authority, conducting union business on company time, and posting advertisements on company bulletin boards in violation of Rule 41, on November 13, 1979 in the Carmen's locker room. An investigation was held on November 20, 1979, and Claimant was subsequently assessed a fifteen (15) day suspension.

A review of the record before this Board establishes that Claimant did leave his work assignment without permission, conducted union business while on the clock, and posted an informational notice to the Carmen concerning insurance which contained an advertisement, namely, "If further assistance if needed in settling of your claims we recommend you contact...", Here the Claimant wrote in the name, address and phone number of a particular law firm. Thus there was substantial evidence in the record to sustain the Carrier's determination to discipline Claimant.

Claimant contends that because he is a union official, he was not given a fair and impartial hearing. In view of Claimant's admissions contained in the record concerning the violations he was charged with, this Board sees no merit in this contention. Moreover, that the entire occurrence may have only taken some five minutes away from his work assignment, and that Claimant deducted thirty minutes from his time card to cover his involvement in union business that day

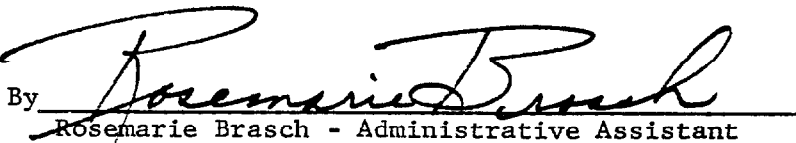
cannot offset his disregard of recognized rules and procedures. The multiple violations flowing from what appears to have been one incident underscores the seriousness of the infraction, and this Board finds that the discipline assessed was reasonable under the circumstances.

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 13th day of July, 1983.