

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Award No. 13176

Docket No. 13075

97-2-95-2-97

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

(National Conference of Firemen & Oilers

**PARTIES TO DISPUTE:** (

(Soo Line Railroad Company

**STATEMENT OF CLAIM:**

- “1. Under the current controlling Agreement, Mr. M. Baker, Laborer, Hoster (sic) helper, Chicago, Illinois, was unjustly dealt with when suspended for a period of fifteen (15) days (March 18, 1995 through April 5, 1995), following a hearing held on February 21, 1995.
2. That accordingly, the Soo Line Railroad Company be ordered to compensate Mr. Baker for all time lost at pro rata rate and the mark be removed from his record.”

**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 were given due notice of hearing thereon.

Claimant was suspended for 15 days as a result of an investigation held on February 21, 1995. Claimant was found to have failed to comply with instructions on the night of January 22, 1995.

The Organization argues the Carrier failed to prove the charges against the employee.

The transcript of the investigation reveals that the Claimant was afforded a fair and impartial hearing. The transcript shows the Claimant was instructed to throw switches at the West end. Claimant ignored the instructions and left work. While Claimant alleges sickness there is no evidence in the record to support the claim.

There is no basis to overturn the discipline assessed in this case.

**AWARD**

Claim denied.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Second Division**

Dated at Chicago, Illinois, this 29th day of October 1997.