

Award No. 5427

Docket No. CL-5426

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

J. Glenn Donaldson, Referee.

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

ATLANTIC COAST LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees:

1. That the Carrier unjustly dismissed D. J. Allen, Jr., B. B. Courson, H. V. Mills, H. L. Rehberg, R. C. Sloan and A. G. Smith, car cleaners, employed at Prairie Junction-Mulberry, Fla., on June 3, 1948, and that these employes shall be returned to service with seniority, vacation and all other rights unimpaired, and

2. That D. J. Allen, Jr., B. B. Courson, H. V. Mills, R. L. Rehberg, R. C. Sloan, and A. G. Smith shall be paid by the carrier the rate of pay applied to car cleaners beginning with June 3, 1948, and until they are returned to service.

OPINION OF BOARD: This is a discipline case and a sequel to that submitted in Docket CL-5427, subject of our Award No. 5426. What is stated in a general way in Award No. 5426 is likewise applicable here and will not be repeated.

After Car Cleaner Lawrence left the property of this Carrier under the circumstances related in the companion Award, claimants, his fellow-workers, left their posts without permission and awaited upon the Superintendent of Mine Service at his office two miles away to protest what they believed was an unwarranted discharge of Lawrence. At the conference with the Superintendent, he indicated that he would make an investigation. This is admitted. The evidence is conflicting from that point on. Claimants contend that the Superintendent told them that since they should be at work and were not on the job that they would be held from service pending an investigation which would be held on June 7. The Carrier states that the claimants were ordered to return to their jobs but when instead they went to town, absenting themselves from work for several hours, they were then suspended from service pending investigation. In either event, the fact remains that claimants absented themselves from their work without permission for a shorter or longer period dependent upon whose story one chooses to believe.

Working conditions were far from satisfactory at this point. However, there was a method provided for by the Agreement to rectify such condi-

tions but claimants chose rather to hasten the process through a showdown. This was admitted at the hearing by the claimants. To countenance such actions, even though of seeming unimportance in connection with these car cleaners at Prairie Junction, would tend to encourage others to do similarly in moments of impatience. Abandonment of posts of duty during working hours, even to petition for redress of grievances, is a serious offense and particularly so in the transportation industry.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That claimants were afforded a fair trial. That Carrier's finding that claimants deserted their posts of duty is supported by the evidence. That the disciplinary actions taken were justified under the circumstances of this case.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 8th day of August, 1951.