



Award No. 17165

Docket No. CL-17896

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(SUPPLEMENTAL)**

*James Robert Jones, Referee*

**PARTIES TO DISPUTE:**

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

**RAILROAD PERISHABLE INSPECTION AGENCY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-6517) that:

(a) The Carrier violated the Agreement when it suspended Claimants J. R. Bohling and D. J. Cross for four days.

(b) Claimants Bohling and Cross shall be paid in accordance with Rule 25(f) and their records cleared of the charges against them.

**OPINION OF BOARD:** The narrow questions in this case are whether Carrier acted in an arbitrary and unreasonable fashion in finding Claimant guilty as charged and in assessing a penalty of four days suspension.

As is pointed out in numerous other Awards of discipline cases, it is not for this Board to weigh the evidence de novo. If the evidence is such to support a finding of guilt, we have no alternative but to support that decision.

Claimants in this dispute admitted leaving their tours of duty early without permission. This is in violation of Rule 13 and standing instructions.

There is some question as to how much earlier Claimants left before their regular work tour was completed. Claimants contend they left at 9:25 P.M., or five minutes before their regular quitting time. In any event, there is no dispute that they left early without permission and therefore a finding of guilty is supported by the evidence. While it is true that it is not crucial that an employee remain on duty when there is no work to perform, it is not the prerogative of the employe to determine whether or not he can leave early. If the Claimants had received permission to leave before quitting time from the man responsible for their work, then Carrier would have no standing to discipline the Claimants. But that is not the case here.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 the agreement was not violated.

#### **A W A R D**

Claim denied.

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

**ATTEST: S. H. Schulty**  
Executive Secretary

Dated at Chicago, Illinois, this 20th day of May 1969.