

**NATIONAL RAILROAD ADJUSTMENT BOARD****THIRD DIVISION**

Paul C. Dugan, Referee

**PARTIES TO DISPUTE:****BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP  
CLERKS, FREIGHT HANDLERS, EXPRESS AND  
STATION EMPLOYES****DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-6678) that:

(1) The Carrier was unreasonable, unjust and capricious when it suspended Mr. Jack E. Peterson, employed as Assistant Chief Weighmaster at Proctor, Minnesota, from service for a period of sixty (60) days beginning November 20, 1968, and,

(2) Mr. Jack E. Peterson shall be compensated in the amount he would have earned had there been no suspension and his record cleared of the charges.

**OPINION OF BOARD:** Following investigation Claimant was suspended from service for a period of 60 days account absenting himself from duty without leave. During the course of the investigation he stated it was his opinion that he had the responsibility to give himself permission to be absent because he was supervisor of the scales and that such practice had existed for some time past. He further stated that he had not been delegated such responsibility or authority by any supervisor under whose jurisdiction he was employed, nor had he ever been denied such authority.

To permit employes to absent themselves from duty on their own authority could result in nothing but confusion and chaos and would have a demoralizing effect. While we do not condone the actions of Claimant we do find that in view of his more than 20 years of service, without prior record of discipline, that Carrier's action was arbitrary and in abuse of discretion. Under all of the circumstances of this particular case we feel that a suspension of 15 days is in keeping with the gravity of the offense. The discipline assessed is found to be excessive and should be reduced to 15 days suspension. Claimant's record should be corrected accordingly and he should be compensated for any earnings lost following the expiration of the 15 days suspension.