

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20475

Docket Number CL-20504

Joseph A. Sickles, Referee

(Brotherhood of **Railway, Airline** and Steamship  
(Clarke, Freight **Handlers, Express** and  
(Station Employee

**PARTIES TO DISPUTE:** (

(George P. **Baker**, Richard C. Bond, and **Jervis Langdon**,  
(Jr., Trustees of the Property of  
(**Penn** Central Transportation Company, Debtor

**STATEMENT OF CLAM:** Claim of the System **Committee** of the Brotherhood (GL-7431) that:

(a) **The** Carrier violated the **Rules** Agreement, effective **February** 1, 1968, particularly **Rule** 6-A-1, when it assessed discipline of 60 days suspension on **J. H. Hamilton**, third trick **Crew** Dispatcher at **Washington, D. C.**, Chesapeake Division, **Eastern Region**.

(b) **Claimant J. H. Hamilton's** record be cleared of the charges brought against him on or about July 9, 1972.

(c) Claimant **J. H. Hamilton** be compensated for wage **loss sustained** during the period out of service.

**OPINION OF BOARD:** Claimant was advised to attend **an** investigation concerning an allegation **that** he left his assignment without **being** properly relieved. Subsequent to the investigation, he was **suspended** for sixty (60) days. As a matter of leniency, the final thirty-four (34) days of the suspension were deferred under a probationary condition.

Initially, Claimant **urges that** the investigation was neither fair nor **impartial** for a **number** of **reasons**. We have fully considered the transcript of the **investigation** and the record in its totality. The Board, with **this Referee participating**, requires a showing that a Claimant's rights are fully protected. However, our examination of the entire record **in** this case **demonstrates** that Claimant **was** afforded a fair and impartial **investigation**, as required by the rules.

The record supports the conclusion that Claimant did leave his **assignment** prior to being relieved. In this regard, the Carrier notes **that** Claimant's position of third trick dispatcher is one of three dispatcher positions which comprise a continuous operation. The dispatcher has prime responsibility for crew calling, and the position may not be vacant.

Claimant's stated reason for leaving his assignment, prior to being relieved, was because he was "tired." Prior Awards of this Board have **considered** valid **reasons** for departing an assignment prior to being **relieved** (see, for **example**, Award **16744**), but they have not condoned a departure in this type of a **circumstance**.

The Board is unable to state that Carrier's action was arbitrary, **capricious** or unsupported by the record.

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:

  
Executive Secretary

Dated at Chicago, **Illinois** this 25th day of October 1974.