

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21185
Docket Number SG-21189

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the general Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Transportation Company.

(a) On November 28, 1973 the Carrier violated the current Signalmen's Agreement, particular rule 2(b) and rule 60 (revised) when it disciplined Mr. R. King, Mr. w. Ramberg, Mr. William Roberta and Mr. w. Mittlestead ten (10) days suspension from December 1 thru December 10, 1973.

(b) The carrier now be required to compensate Mr. King, Mr. Ramberg, Mr. Roberta and Mr. Mittlestead for the amount of time lost and clear their personal record of this discipline because of this violation.

[Carrier's file Nos. D-9-17-12, D-9-17-13, D-9-17-14, D-9-17-15]

OPINION OF BOARD: This is a discipline dispute in which Claimants were given ten day suspensions for absents themselves from duty. Petitioner contends that the investigation was too soon after the alleged infraction and did not give Claimants adequate time to prepare their defenses. This contention must be rejected since the transcript indicates that the hearing officer Offered to postpone or continue the hearing to afford the General Chairman more time, but the offer was retied.

The record of the investigation reveals that the four employees were scheduled to begin work at 7:30 A.M. and were found in a restaurant by a supervisor at 8:00 A.M. and did not start to work until 8:15 A.M. These facts were not denied. It is apparent that there was sufficient evidence to justify Carrier's conclusion that Claimants were guilty as charged. The controversy as to whether they were having coffee or breakfast is immaterial to the main thrust of the charge; it is clear that Carrier has a justifiable basis for disciplinary action in view of Claimants' unauthorized absence from their assignments.

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 **Employee** involved in this dispute are respectively **Carrier and Employee** 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

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:



Executive Secretary

Dated at Chicago, Illinois, this 13th day of August 1976.