

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 21603

Docket **Number** CL-21443

Robert J. Ables, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station **Employees**

PARTIES TO DISPUTE: (

(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8006, that:

1. Carrier acted arbitrarily and capriciously and **in a** discriminatory manner, when it suspended from its service Truck Operator H. S. Jones, Seacoast Transportation Company, Tampa, Florida, January 5, 1975, and dismissed Truck Operator **H.** S. Jones, January 23, 1975, and subsequently reinstated Truck Operator H. **S.** Jones to service February **4**, 1975.

2. Carrier shall be required to clear H. S. Jones' record of charges set forth in letter of January 6, 1975.

3. Carrier shall be required to reimburse **H.** S. Jones, January 6 through February 3, 1975, at the applicable rate of the position of Truck Operator, **Seacoast** Transportation Company, Tampa, Florida, position held prior **to** being removed from service on January **5**, 1975.

OPINION OF BOARD: Claimant, H. S. Jones was suspended for 30 days because he failed or refused to comply with instructions.

Claimant, a truck driver, reported to his usual place of work at the 34th Street station, but when notified first by the dispatcher, followed by the chief clerk **and** then by a company official that he should report for work to the 62nd Street station because the company had decided to close **down** the 34th Street station, Jones decided not to comply with the order.

Later on, claimant said he did not report to work as directed because he was sick. When Jones went home from the 34th Street station he called the doctor - at least he said he did - but could not reach him. Jones then went to the hospital where there was some diagnosis of bronchitis.

Under these circumstances it appears that Jones manufactured a sick reason for not going to the other station. Jones was not so sick he could not have reported to the 62nd Street station which was nearby. He should, at least, have checked in at that station and then told some management official he was sick. The fact that Jones' partner in the assignment at the 34th Street station did report to the other station even though the partner had been told, the same as **Jones**, to report to the 34th Street station is an indication that Jones, for some reason not fully disclosed, became hardheaded about having to report to a different station and **effectively** invented the excuse that he was sick as a reason why he did **not report** for duty as required.

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 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

Claim denied.



NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.