

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21881
Docket Number SG-21377

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Kansas City Southern Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Kansas City Southern Railway Company:

In behalf of Signal Maintainer D. R. Troth that his record be cleared of any reference to the charges and compensate him for all monetary loss sustained September 30, through October 9, 1974. [Carrier's File: 013.31-162]

OPINION OF BOARD: Claimant herein was charged with refusal to report for duty after being instructed by dispatcher (through an operator) to cover a switch failure. After hearing and investigation, Claimant was suspended ten days for failure to report for duty.

The Organization asserts that Claimant was charged with one offense and disciplined for another. The Board is of the opinion that the Organization's contention is without merit.

The underlying reasons for the requirement that a charge be specific is to provide an employee and his representatives an opportunity to prepare a defense and to avoid surprise at a hearing. In this connection the terms "failure to report" and "refusing to report" are sufficiently synonymous so that the underlying reasons referred to above have been satisfied, and Claimant was not prejudiced thereby.

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

The ~~Agreement~~ was not violated.

A W A R D

~~Claim~~ denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauler
Executive Secretary

Dated at Chicago, ~~Illinois~~, this 31st day of January 1978.

