

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22174  
Docket Number MW-22067

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(Terminal Railroad Association of St. Louis)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The suspension of Laborer Jimmy F. Wooten from January 6, 1976 to February 17, 1976 for his alleged failure to protect his assignment on January 5, 1976 was without just and sufficient cause and extremely disproportionate to the offense with which he was charged (TRRA 1976-11).

(2) The benefits and privileges stipulated within Agreement Rule 24(d) shall now be applied to the claimant."

OPINION OF BOARD: In this case, Claimant Jimmy Wooten was suspended from service and following a hearing on a charge of being absent without proper authorization on January 5, 1976, was assessed discipline of twenty-eight (28) workdays.

From our careful review of the entire record in this case, we find that Claimant Wooten has received all of the due process rights to which he is entitled under the Rules Agreement. The hearing contains sufficient evidence to support the conclusion reached by Carrier that discipline was warranted. However, it is our opinion that a twenty (20) workday suspension, under the facts of this case, would be commensurate to the offense: and it is so ordered.

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;

Award ~~Number~~ 22174  
Docket ~~Number~~ MW-22067

P a g e 2

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the discipline was excessive.

A W A R D

**Claim** sustained to the extent indicated in the **Opinion**.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*A.W. Pauls*  
Executive Secretary

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

