

RATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award **Number** 22954
Docket Number **MW-22896**

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way **Employees**
(Seaboard Coast Line Railroad Company

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

(1) The fifteen (15) days suspension imposed upon Machine Operator **Jerome** McNeil **was** without just and proper cause and **was** an abuse of justice and discretion **/System File C-4(13)-JM/12-39(78-2)JR/**.

(2) The claimant's record be cleared of the charges **levelled** against him and he be reimbursed for all wage loss suffered."

OPINION OF BOARD: The Claimant was notified to attend an **investigation** on a Charge of **insubordination** for asserted failure to maintain a log book concerning operations of the machine to which he was assigned.

Thereafter, the **Claimant** was also charged with an insubordination for declining to sign the initial charge letter.

Subsequent to the investigation, the Claimant was found to have been insubordinate concerning maintenance of **the log** book and that he did not acknowledge receipt of the earlier notification. **He** was suspended for fifteen (15) days.

Certainly, the evidence shows that the Claimant was **aware** of the Carrier's requirements concerning log books, and we agree with Carrier that, even ff the log book was misplaced - as Claimant insisted - ha had certain requirements to assure that another book was **issued**, beyond the action which he took. Further, the question of refusal to acknowledge receipt of the initial charge letter has been considered by this Board **in** Awards 22380 **and** 22490. We feel that those Awards set forth the basic concepts to be applied, and we find no basis for deviating from those Awards.

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:

A. W. Pauls
Executive Secretary

Dated at Chicago, **Illinois**, this 15th day of August 1980.

