

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24089
Docket Number MW-23415

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Chicago, Milwaukee, St. Paul & Pacific Railroad Company

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

(1) The one (1) day suspension imposed upon Equipment Operator C. P. Staeben for being fifteen (15) minutes late for work on January 8, 1979 was without just and sufficient cause (System File &O/D-2267-1).

(2) **Equipment** Operator C. P. Staeben shall be compensated for all time lost on January 8, 1979."

OPINION OF BOARD: As a result of the Claimant being fifteen (15) minutes late for **work** he was suspended for one (1) day.

The Employee contends that he had a legitimate **reason** for being late, **i.e.**, a flat tire on his vehicle.

Our review of **the** record indicates that when the **Employee** initially spoke with the **Roadmaster** he did not advise him of the flat tire but merely said, "I'm just late". It was at a later **time** that the flat tire matter was mentioned.

Under those circumstances we cannot conclude that the Carrier's finding of guilty or assessment of discipline was arbitrary or capricious and we will deny the claim.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of January 1983.

