

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24170  
Docket Number MW-24355

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employes**  
(Norfolk and Portsmouth Belt Line Railroad Company)

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

(1) The fifteen (15) days of suspension imposed upon Crane Operator L. L. **Blankenship**, Sr. for alleged failure '**to carry out instructions** given to you by Mr. **Dingus** at the start of work on Friday, November 7, 1980' was without just **and** sufficient cause **and** on the basis of unproven charges.

(2) The claimant's record **be** cleared and he shall be **compensated** for all wage loss suffered."

OPINION OF BOARD: In late November, 1980 the **Claimant** was advised of an Investigation concerning a charge that he failed to carry out instructions. Subsequent to the Investigation, the **Claimant was suspended for fifteen (15) working days.**

Certain **procedural matters** have been raised by the parties however we feel it **unnecessary to** consider same **because** of our Decision on the merits of the case. The record contains evidence **to support** the conclusion of the **Carrier** that on the date **in question** the Claimant received certain instructions **specifically relating** to the crane assigned **to** him **and** an admonition not to take the crane **out of service.** Nonetheless, the **Claimant** failed to abide by those instructions.

We **are** not **unmindful** of the contentions advanced by the **Claimant** in this case nor are we insensitive to his long years of **service.** Nonetheless, this **Board** is not constituted to **make** credibility determinations, and in this particular case there is sufficient evidence to support **the Carrier's** conclusions, We have no alternative but to deny the grievance. Additionally, we cannot **find** that the punishment assessed is inordinately severe and we will **allow** it to stand.

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 **Employes** involved in this dispute are respectively Carrier and **Employes** 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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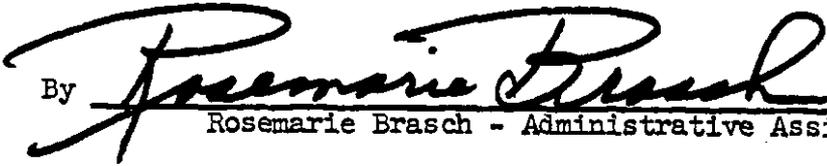
A W A R D

**Claim denied.**

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of **Third** Division

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

By



Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.

