

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24394
Docket Number MW-24463

Rodney E. Dennis. Referee

PARTIES TO DISPUTE: { **Brotherhood of Maintenance** of Way Employes
{ **Terminal** Railroad Association of St. Louis

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

(1) **The** five (5) days of suspension imposed upon Track **Laborer** R. E. Ruit for failure to protect his assignment cm September **12, 1980** **was** unwarranted and **an** abuse of justice and discretion by the Carrier (System File **TERRA 1980-22**).

(2) The **claimant** shall be compensated for **all** wage loss suffered."

OPINION OF BOARD: Claimant, R. E. **Pruitt**, is a Track Laborer in System Gang No. 10. **On** Friday, September **12, 1980**, he did not report for his regular assignment. **On** September 17, **1980**, he **was** notified to report **on** September 30 for **a** hearing into the matter of failing to protect his **assignment**.

A hearing into the matter was held at which **time** Claimant testified **that** his car broke down due to his fan belt breaking. Carrier indicated that it would consider **Claimant's** plea if he produced evidence that he hsd purchased **a** fan belt for his car. **He was** given **from** September 23 to October 3 to produce the receipt. Having not received the evidence, Carrier found **Claimant** guilty es charged and assessed a five-day suspension.

A review of the record of this case reveals that **Claimant** was given every opportunity to produce evidence to clear himself of failure to protect his assignment. He did not produce **that** evidence. Given his past record of absences and tardiness, Carrier **was** justified **in** assessing **a five-day** suspension.

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, es approved June 21, **1934**;

That this Division of the Adjustment Board has jurisdiction over the dispute**involved**.

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 26th day of May 1983.

