

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **25051**  
Docket Number SG-25147

John F. Cloney, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: 'Claim of the General Committee of **the** Brotherhood of Railroad Signalmen **on** the Consolidated Rail Corporation:

System Docket 1617

Appeal on behalf of Maintainer-Test W. C. Wayne, who was suspended 30 days by notice dated February 6, 1981, for allegedly assuming an attitude of sleep while on duty January 30, **1981.**"

OPINION OF BOARD: Claimant, who was charged with **"Assuming** an attitude of sleep while on duty . . ." testified at the investigation that he was sitting sideways in a swivel chair with his shoes off and his foot curled under him, in the dark when Division Engineer **Olvens** entered the office at **6:20** A.M. No other **employees** were on duty except for a Tower Operator who was upstairs.

As a result of the investigation Claimant was suspended for thirty **days**, a penalty which in view of the evidence this Board will not disturb.

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

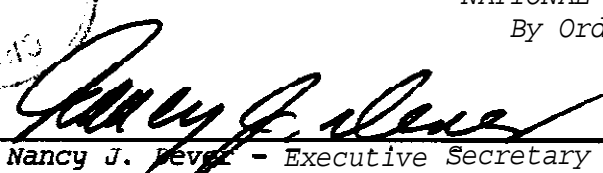
That the Agreement was not violated.

A W A R D

**Claim denied.**

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

ATTEST:

  
Nancy J. Levee - Executive Secretary

Dated at Chicago, Illinois, **this** 4th day of October 1984.

