

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25330  
Docket Number MW-25290

**Eckehard Muessig, Referee**

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way **Employes**  
(**Missouri Pacific Railroad Company**)

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

(1) The discipline of Patrol Foreman G. E. Stafford for alleged failure to **"(1)** properly perform your duties as Foreman on Patrol Gang 5655 when you failed to find and replace broken angle bar at **Bivens, Siding** and **(2)** for absenting yourself without proper authority on February 18, 1982 and your failure to comply with General Rule N and Rule **240"** was without just and sufficient cause and unwarranted (Carrier's File **§ 310-461**).

(2) The Claimant shall now be accorded the' benefits prescribed in Agreement Rule 12, Section **1(e)**.

OPINION OF BOARD: The Claimant was dismissed after the Carrier found that he had not properly performed his duties, in that he overlooked a broken angle bar and left his assignment without authority. Later, Claimant's dismissal was reduced to a suspension.

Without detailing the evidence adduced during the investigation, a review of the Transcript shows substantial evidence that the Claimant was guilty of the charges. Given the **seriousness** of the **two** offenses, the Carrier's assessment of discipline cannot be considered unduly harsh. Accordingly, **we** have no basis to disturb the Carrier's disposition **in** this instance.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 15th day of March 1985.