

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25360
Docket Number SC - 25400

Eckehard Muessig, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: {
(Burlington Northern Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Railroad.

On behalf of Signalman G. M. Beranek, who was suspended for thirty days for allegedly sleeping on duty May 25, 1982, for pay for all time lost, and that any reference to this matter be cleared from his personal record. [General Chairman file: C-82-295. Carrier file: SI-82-12-301

OPINION OF BOARD: Subsequent to an investigation, the Claimant herein was suspended from the services of the Carrier, chiefly on the basis of a finding that he was sleeping while on duty.

To arrive at its conclusion of rule violation, the Carrier relied upon testimony adduced at the investigation. The Board, under the circumstances here, finds the Claimant's rights have not been violated. The Claimant was found lying on his back with knees bent, as evidenced by his testimony and the testimony of Carrier officials. Given this fact and other relevant evidence, we find the Carrier's assessment of discipline not unreasonable.

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

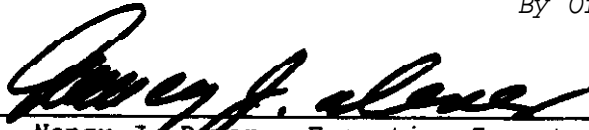
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1985.