

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25583
Docket Number MW-25740

Stanley L. Aiges, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(The Kansas City Southern Railway Company

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

(1) The ten (10) days of suspension imposed upon **Trackman** E. Thomas for **alleged "failure"** to devote himself to his duties during his tour of duty on July 15, 20, 27 and 30, 1982; leaving his work thirty minutes **before** his scheduled quitting time without permission on July 30, 1982 and for reporting to **work** late on July 20 and 27, 1982" was without just and sufficient cause (Carrier's File 013.31-272).

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

OPINION OF BOARD: **Trackman** E. Thomas was given a 10-day suspension for:
(1) his alleged failure to devote himself to his duties during his tour of duty on July 15, 20, 27 and 30, 1982; (2) leaving work 30 minutes before quitting time without **permission** on July 30, 1982; and (3) reporting to work late on July 20 and 27, 1982. The Organization asserts the suspension **was** not for just and sufficient cause. It asks that Claimant be made whole.

We are obliged to confine our review to evidence raised and joined on the property. See Third Division Awards 22175, 21882, 21290. We note that in handling on the property, the Organization did not dispute Claimant's guilt. Instead, it contended the **"suspension was too harsh [a] penalty"**. We are unwilling **now** to permit the Organization to **argue** the question of Claimant's guilt. Nor will we now substitute our judgment for that of the Hearing Officer **who** tried the facts.

our focus, instead, **must be** limited to whether the penalty imposed was **too severe**. The record reveals that within the space of 15 days (**July 15-30, 1982**), Claimant violated Carrier's Rule Q on seven separate occasions. In the face of that, we cannot conclude the discipline imposed was excessive.

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;

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That this Division of the **Adjustment** Board has jurisdiction **over**
the dispute involved herein; and

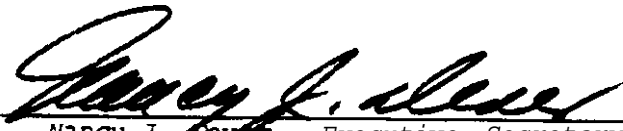
That the Agreement **was** not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of August 1985.

