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NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26010
Docket Number SG-25286

John W. Gaines, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(Kansas City Terminal Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Kansas City Terminal Railway Company:

Appeal on behalf of Mr. R. T. Frye, who was dismissed by notice dated July 6, 1983. [Carrier file: SG-2-83-80]"

OPINION OF BOARD: Claimant's dismissal was for sleeping on duty, his second offense within four months after a suspension for being asleep and a warning.

The question raised is whether the punishment is excessive.

Claimant is a Signal Maintainer, under duty to trouble shoot problems encountered on the job in line of his work. We note his length of service and his record (not altogether an exemplary one), and find they serve of little benefit as mitigating factors to the dismissal.

Sleeping on duty is generally conceded as a dismissal offense. We do not deem dismissal arbitrary or disproportionate under the present circumstances. Procedural objections are raised by the parties, but we are denying this Claim on merit, noting that no procedure deprived Claimant of due process.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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.


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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of May 1986.

