

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26088
Docket Number SG-25923

Lamont E. Stallworth, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(The Chesapeake and Ohio Railway Company
(Pere Marquette District)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Pere Marquette District of The Chesapeake and Ohio Railway Company that:

(a) Carrier violated the parties' Agreement, particularly Discipline Rule 701, in that (1) charge against Signal Maintainer D. F. Snyder was too vague to allow the accused and his representative to prepare a defense; (2) all reference to events occurring ten (10) days prior to the letter of charge dated April 11, 1983 must not be considered in assessing discipline due to Claimant Snyder not being charged 'within ten (10) days of the company's knowledge of the alleged offense' and (3) without prejudice to that position, the discipline administered in this case is excessive for the offense with which charged.

(b) As a consequence of such action, Carrier be required to make Claimant D. F. Snyder whole for wage loss incurred pursuant to paragraph (h) of Discipline Rule 701. [General Chairman File: 83-6-PM. Carrier File: SG-695]"

OPINION OF BOARD: The Parties agree that Claimant was properly charged in accordance with Rule 701 with failure correctly to perform his duties over a period of time and failure to maintain his territory as instructed by his Supervisor. The Carrier had discussed Claimant's lack of performance and mishandled responsibilities with him on several occasions prior to notification of a hearing on the charges. It is not disputed that the discipline of thirty (30) days actual suspension assessed by the Carrier was proper. However, the Board has determined at this time that the Claimant's restriction to working in a force under direct supervision has served its purpose.

In the Board's view, restricting Claimant to a position under direct supervision throughout his work life, which would permanently disqualify him from holding a Signal Maintainer position unless there was also a Foreman, Leading Signal Maintainer assigned to the same territory, is 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;

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

That the discipline was excessive.

A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1986.