

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26410
Docket Number MW-26079

Gil Vernon, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way **Employes**
(The Chesapeake and Ohio Railway Company
(Southern Region)

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

(1) The discipline (ten days overhead suspension) imposed upon Machine Operator K. D. Williams for alleged 'failure to comply with instructions of Supervisor of Track, L. W. Briggs, on Wednesday, July 6, 1983' was without just and sufficient cause (System **File** C-D-1900/MG-4224).

(2) The claimant's record shall be cleared of the charge leveled against him."

OPINION OF BOARD: On July 11, 1983, the Claimant was directed to attend an investigation. The **notice** read in pertinent part as follows:

"Arrange to attend investigation in the Conference Room, Passenger Station, Huntington, West Virginia at 9:00 a.m., Friday, July 22, 1983.

You are charged with failure to comply with instructions from Supervisor Track L. W. Briggs on Wednesday, July 6, 1983, 2:30 p.m. at west end of manifest yard.

Arrange for representative and/or witnesses if desired."

It was developed at the investigation that the Claimant failed to comply with instructions of a supervisor to attend a safety meeting on July 7, 1983. The evidence included an admission by the Claimant that he received the **instructions** and failed to comply with them.

Accordingly, the only issue before the Board is whether a **10-day** deferred suspension is appropriate discipline based on these facts. In this regard, the Board cannot find it is excessive or in any other way 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

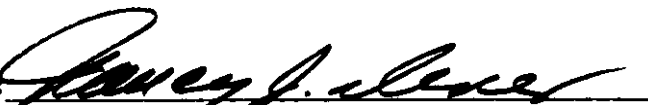
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 13th day of July 1987.