

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26420  
Docket Number MW-25860

Rodney E. Dennis, Referee

(Brotherhood of Maintenance of Way **Employees**  
PARTIES TO DISPUTE: (  
(National Railroad Passenger Corporation  
(**Amtrak**) - Northeast Corridor

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

(1) The ten (10) days of suspension imposed upon Track Foreman P. S. Collins for alleged violation of Rule 'K' on August 19, 1982 was without just and sufficient cause and on the basis of unproven charges (System File NEC-BMWE-SD-514D).

(2) The claimant's record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: At the time of the incident that gave rise to this case, Claimant was a Track Foreman in Carrier's employ at Philadelphia, Pennsylvania. On August 25, 1982, Claimant was charged with a violation of Amtrak Rules of Conduct, Rule K: "Employees **must...attend** to their duties during the hours prescribed." On Thursday, August 19, 1982, Claimant and **members** of his gang were allegedly observed performing no work from the hours of 2:00 P.M. to 3:50 P.M.

A Hearing into the matter was held on September 7, 1982. Claimant was found guilty as charged and assessed a ten-day suspension.

This Board has reviewed the Transcript of the Hearing as well as other material submitted into the record. Based on that review, the Board concludes the Claimant was guilty as charged and that Carrier acted in an appropriate manner **by** assessing a ten-day suspension.

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.

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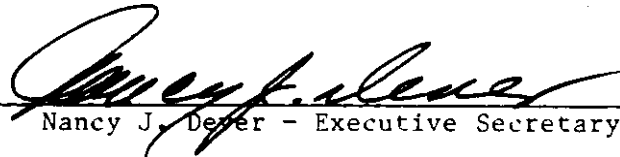
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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 24th day of August 1987.