

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27080
Docket No. MW-27101
88-3-86-3-157

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Consolidated Rail Corporation

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

(1) The Carrier violated the Agreement when it improperly suspended Mr. R. A. Hood from service for eighteen and eight tenths (18.8) hours on November 26, 27 and 28, 1984 (System Docket CR-1396).

(2) Because of the aforesaid violation, Mr. R. A. Hood shall be allowed eighteen and eight tenths (18.8) hours of pay (\$217.70)."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Following a hearing held on November 9, 1984, into a charge of excessive absenteeism, Claimant, a Repairman at the Canton Repair Shop, was discharged. After being out of service on November 26, 27, and 28, 1984 (18.8 hours), he was reinstated, with his discipline reduced to a twenty-working day suspension. The Organization alleges that Carrier failed either to reduce Claimant's suspension by the time already served or to compensate him for that time.

This Division is unable to determine from the record precisely how long Claimant was held out of service, whether a total of twenty working days or twenty days plus 18.8 hours. Since this should be a readily verifiable fact, we shall remand this question back to the parties to determine. If Claimant served more than a twenty-working day suspension, he should be compensated accordingly.

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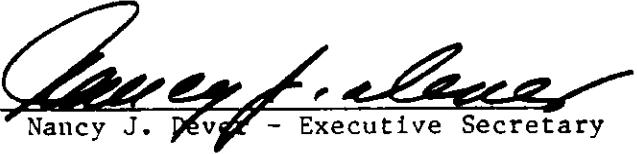
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A W A R D

Claim remanded in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1988.