

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Brotherhood of Railroad Signalmen  
PARTIES TO DISPUTE: (  
(Missouri-Kansas-Texas Railroad Company

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Missouri-Kansas-Texas Railroad Company:

(a) On behalf of A. P. White, Assistant Signalman, Gang No. 4066, who was suspended on September 6, 1983, for alleged insubordination on August 18, 1983, for being absent without proper authority on August 19, 20 and 21, 1983, and for not reporting for duty at the appropriate time on August 24, 1983.

(b) Carrier should now be required to reimburse Claimant White for all time lost including pro rata, punitive and holiday pay from September 6, 1983 to November 6, 1983. Carrier File 2619."

FINDINGS:

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

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employes 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.

Claimant was employed by Carrier as a Signal Helper on Gang No. 4066. On August 18, 1983, a hurricane passed through Houston, Texas, causing extensive damage to signal equipment protecting crossing in the area. Orders were issued to Signal Gang No. 4066 to proceed immediately to Houston, Texas, to begin repairs to equipment damaged by the storm. Claimant did not want to report to Houston with his gang. He did, however, report and worked from 9:00 PM to 11:00 PM on August 18. The gang at this point was given rest and told to report for work the next day at 9:00 AM. Claimant did not report at that time nor did he report for work again until his gang finished the work at

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Houston and moved to Lancaster, Texas. As a result of Claimant not reporting to work on August 19, 20, and 21, he was charged with Rule violations and failure to follow instructions. A hearing into the matter was held on August 25, 1983. At the hearing, Claimant was found guilty and assessed a 60-day actual suspension and a 30-day deferred suspension. A transcript of that hearing has been made a part of the record. A review of that record reveals that Claimant was granted all substantive and procedural rights guaranteed by Agreement and that he was guilty as charged. We find no basis on which to conclude that Carrier erred in any way in the handling of this case, including the level of penalty imposed.

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 23rd day of June 1988.