

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 Employes
(Union Pacific Railroad Company

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

(1) The thirty (30) days of suspension imposed upon Steel Erection Gang Foreman K. A. Collins for alleged violation of General Notice, General Rule B and General Regulations 700, 702 and 704 was without just and sufficient cause (System File D-35/013-210-C).

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

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.

Following an investigation, the Claimant received a thirty-day suspension for allegedly submitting incorrect timerolls. Carrier maintained that Claimant had allowed a full eight hours pay for Bridge Welder J. G. Sabatka on March 22, 1985, when in fact he had worked only five and one-half hours.

The Board has reviewed the record of this case and finds that Claimant was afforded all procedural rights guaranteed by Agreement. The record also shows that Bridge Welder Sabatka did leave work early and his timeroll indicated that he had been on his assignment eight hours. Claimant maintains, however, that there was a well-established practice of allowing pay for time spent at medical appointments.

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88-3-86-3-411

This Board can find no evidence to substantiate the presence of such a practice. For a past practice to be binding, it must be accepted by all parties involved, be in existence for a reasonably long period of time, be clearly understood, and be generally applied. The record of this case is devoid of support for such a practice.

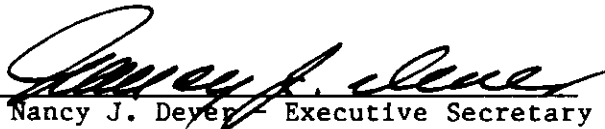
Under the circumstances present here and considering Claimant's past record, the discipline imposed is neither arbitrary nor capricious.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer, Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1988.