

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

PARTIES TO DISPUTE: (Transportation Communications International Union
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(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10214) that:

1. Carrier violated the Agreement Rules, particularly Rule 21, when it applied discipline of ten (10) days actual suspension from service against (sic) Mr. James Brewer, Crew Dispatcher, Crew Management Center, account formal investigation held on November 6, 1986, and

2. Carrier shall now be required to clear Claimant's record of the charges and discipline assessed and to compensate Claimant James Brewer for all time lost account of the involved suspension from service, beginning November 12, 1986, and continuing until he was restored to the service thereafter."

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 employes 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 notified by date of October 14, 1986, to attend an investigation into his alleged failure to comply with instructions. The investigation was held on November 6, 1986. Following the investigation, the Claimant was found guilty and assessed a ten (10) day suspension.

The record before this Board shows substantial probative evidence to warrant conclusion that the Claimant was guilty as charged. Claimant was clearly instructed to appear at the Crew Management Center at 8:15 A.M. on October 14, 1986. Claimant admits that the letter instructing him to appear was given directly to him and that he read and understood its content. Claimant further admits that he left the property to contact the Acting Local Chairman, and thereafter ignored the letter.

Claimant had been instructed to report for a conference over questions concerning log sheet omissions. Whatever concerns Claimant may have had, he failed to comply with instructions. In considering the full record, we also note that the Claimant did not inform the Manager on duty or his Supervisor that he was leaving the property immediately after work. More importantly, the Claimant admits in the record that he made no attempt to contact and inform the Carrier officer or Manager that he had been detained or was otherwise unable to attend the conference.

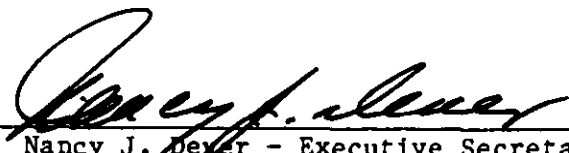
In our review, we find no substance to the Organization's procedural arguments. The Carrier has a clear right to expect its employees to comply with instructions. The Claimant neither attended the requested conference, nor contacted the Manager as to the reason for his failure to appear. Finding no evidence that the Carrier's assessed discipline was unjustified, the Carrier's discipline shall be left undisturbed.

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 29th day of March 1989.