

The Third Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Rail Passenger Corporation (AMTRAK):

On behalf of T. Weber, Signal Trainee, Gang K222, Tour of duty from 7:00 AM to 3:30 PM and headquartered at 51 N. 32nd St.

(A) Claim that the Carrier violated the Agreement, in particular, Article 2, Section 23, Paragraph (a).

(B) Rule T reads, in part, as follows: 'Employees must report for duty at the required time.' Mr. Weber has abided by this rule since his becoming an employee of the Carrier except for this one time. Mr. Weber is a conscientious employee and was severely punished for this one occurrence.

(C) Claim is made that the Claimant, T. Weber, be compensated at time and one half his rate of pay for a total of eight (8) hours."

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.

A Claim was filed by the Organization on the grounds that the Carrier was in violation of the Agreement when it did not permit the Claimant to work on May 13, 1985, because he reported 30 minutes late for work. According to the Organization, the Claimant's late arrival was the fault of the Carrier, not the Claimant.

A careful review of the record reveals that the Carrier failed to adequately refute the Organization's assertion on the property. Accordingly, given the peculiar facts and circumstances of this case, we will award Claimant 7 hours and 30 minutes at the pro rata rate of pay.

A W A R D

Claim sustained 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 10th day of August 1989.