

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30254  
Docket No. MS-30837  
94-3-92-3-685

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

(Donald E. Jones  
PARTIES TO DISPUTE: (  
(Chicago and North Western Transportation Co.

STATEMENT OF CLAIM:

"My disqualification as track welder and five days actual suspension by the Chicago and North Western Transportation Company for being in charge of a welding crew that hy-railed in CTC territory without CTC permit."

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 employe 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.

At the time this Claim arose, Claimant was a Welder in charge of on-track welding equipment. On June 5, 1991, he was operating in CTC territory without seeking and obtaining a track permit pursuant to Rule E351B.

He was subsequently charged with that violation and an Investigation was held. At the Investigation, Claimant admitted to the charge, but contended that he was protected by others working in the area who had gotten track permits. However, Rule E351B requires that "On track equipment must not...occupy a track in CTC territory until a CTC track permit is obtained...."

By letter dated June 25, 1991, Claimant was assessed discipline of five days actual suspension and disqualification as a Welder pursuant to the Carrier's Discipline Policy. That Policy provides that after an individual is placed under the Policy, he is to receive a 5 day actual suspension for the next proven offense. In addition, the Policy provides for disqualification where the "offense relates solely to the work in the craft...." We have been referred to Award 1 of PLB No. 4817, as well as Second Division Awards 12218 and 12419; Third Division Award 27990; and Fourth Division Award 4649, which have reviewed the Carrier's Policy and its implementation. We find no impropriety in the Carrier's action in this case.

Finally, Claimant, in his Submission to this Board, asserts that he has been discriminated against in this matter. This Board finds no evidence to support such a representation.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Linda Woods  
Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.