

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37869
Docket No. SG-38056
06-3-03-3-454

The Third Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Springfield Terminal.

Claim on behalf of D. L. West, for removal of excessive discipline of a 30-day suspension from service against the Claimant, account Carrier violated the current Signalmen's Agreement, particularly Article 19.1 when it failed to provide the Claimant with a fair and impartial hearing evident when it issued excessive discipline against the Claimant as a result of an investigation held on November 4, 2002. Carrier's File No. S-02-02. General Chairman's File No. WHK-232-014-1002. BRS File Case No. 12706-ST."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

On November 15, 2002 the Carrier suspended the Claimant for a period of 30 days. As a result of an Investigation held on November 4, 2002 the Carrier found that the Claimant violated Rules GR-C and GR-N by being absent without permission on September 6, 10 and 11, 2002.

The record in this case shows that the Carrier met its burden by proving that the Claimant violated the cited Rules. The Claimant admitted his absenteeism was without permission.

While the Organization argues that the Claimant has medical problems, the record is void of any such evidence to support its position. There is no reason to change the action of the Carrier in this case.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 1st day of August 2006.