

Award No. 2377

Docket No. TE-2298

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

ATLANTIC COAST LINE RAILROAD

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atlantic Coast Line Railroad, that the fifteen (15) days' suspension from service imposed as discipline upon Leverman A. M. King, Orlando, Florida, for absenting himself from his tour of duty a few minutes on June 8, 1940, in alleged violation of the Carrier's Operating Rules 781 and 783, was, under the circumstances, unjust; that Leverman King shall be reimbursed for all time lost by reason of this discipline; and that all reference to same be removed from his personal record.

OPINION OF BOARD: We believe the evidence clearly shows a violation of duty by Leverman King when he left his tower position to go to the drug store. The Employees contend, however, there was a real necessity for King leaving the tower, and that the discipline imposed should for this reason be set aside. The discipline imposed was 15 days' suspension. Had King left his tower with no excuse or reason a much more severe penalty would, no doubt, have been justified and inflicted. We think it apparent, therefore, that the Carrier in imposing the discipline took into consideration the reasons advanced for leaving the tower, and after giving such reasons consideration in the light of all the other facts and circumstances acted as its judgment dictated. Under the circumstances of this case this Division will not substitute its judgment for that of the Management.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the discipline imposed should not be disturbed.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 15th day of November, 1943.