

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21049  
Docket Number MW-21097

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(Terminal Railroad Association of St. Louis

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The discipline of Track Foreman W. J. Clemons was without just and sufficient cause (System File 013-30).

(2) The charge against Track Foreman W. J. Clemons be stricken from his record and he be compensated for all monetary loss suffered, all in accordance with Rule 24(d).

OPINION OF BOARD: On December 31, 1973, and January 1, 1974, Carrier was faced with emergency conditions due to a heavy snowfall. Claimant was instructed to remain on duty until he was relieved. He disregarded those instructions and also released his gang. Carrier discharged him.

After a claim was filed and progressed on the property, Carrier restored Claimant to service, with the claim for lost time to be handled on its merits. That claim is now before the Board.

The record leaves no doubt that Claimant failed to obey a specific instruction and that he not only failed to protect his assignment but he also released his men. The Awards of this Board clearly show that Claimant's offense is a serious one. Carrier had cause for the action that it took. Its disciplinary action was not arbitrary or unreasonable. The claim for pay for time lost is without merit.

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

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1976.