

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22020
Docket Number MW-22068

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(St. Louis-San Francisco Railway Company

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

(1) Claimants R. J. Knight and O. C. Hurns be reimbursed
for all wage loss suffered from March 26, 1976 to June 7, 1976
(System File B-1402-1).

OPINION OF BOARD: The claimants were dismissed from the Carrier's
service on March 26, 1976, for refusing to perform
work as instructed by their foreman in picking up rail.

The Petitioner contends that due to rain an unsafe condition
existed justifying the refusal to work. We have studied the transcript
of the investigation conducted on April 15, 1976, and fail to find any
evidence, other than allegations of the claimants, to support such
contention. The record shows that the other members of the gang
continued working.

Agreement was reached between the Petitioner and Carrier
that claimants would be returned to work June 7, 1976, without pay for
time lost but with vacation and seniority rights, and with the further
understanding that such action would not jeopardize the Petitioner's
progression of a claim for time lost by both men for the period
March 26, 1976 to June 7, 1976.

Based upon the entire record, it is the conclusion of the
Board that the suspension of claimants from service from March 26, 1976
to June 7, 1976, was justified. The claim for pay for time lost during
that period will, therefore, be denied.

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 Employes involved in this dispute are respectively Carrier and Employes 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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 14th day of April 1978.

