

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22529
Docket Number MW-22715

Paul C. Carter, Referee

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

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

(1) The dismissal of Trackman-Driver Stephen G. Grantham was without just and sufficient cause and exceedingly disproportionate to the offense with which charged (System File B-1496-1).

(2) Claimant Grantham shall be reinstated to service and extended all other benefits and remedies prescribed in Rule 91(b)(6)."

OPINION OF BOARD: Claimant entered Carrier's service August 5, 1974, and was last assigned to Track Gang No. 113, Olathe, Kansas. On September 14, 1977, the members of the gang were instructed by the foreman to report for work at 6:00 A.M., on September 15, due to an emergency condition existing on the main line caused by a washout.

Claimant did not report for work on September 15. He was dismissed from the service by the foreman. At the request of the Organization a formal investigation was conducted on September 28, 1977, and claimant's dismissal was confirmed on October 3, 1977.

Based on our careful review of the entire record, including the transcript of the investigation conducted on September 28, 1977, we find no proper basis for interfering with the discipline imposed. Claimant had been suspended for two days in June, 1977, for a similar offense, i. e., absenting himself from duty without proper authority. Apparently the discipline previously administered did not serve its intended purpose.

The claim will 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 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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1979.