

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22954  
Docket Number MW-22896

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(  
(Seaboard Coast Line Railroad Company

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

(1) The fifteen (15) days suspension imposed upon Machine Operator Jerome McNeil was without just and proper cause and was an abuse of justice and discretion [System File C-4(13)-JM/12-39(78-2)JR/.

(2) The claimant's record be cleared of the charges levelled against him and he be reimbursed for all wage loss suffered."

OPINION OF BOARD: The Claimant was notified to attend an investigation on a charge of insubordination for asserted failure to maintain a log book concerning operations of the machine to which he was assigned.

Thereafter, the Claimant was also charged with an insubordination for declining to sign the initial charge letter.

Subsequent to the investigation, the Claimant was found to have been insubordinate concerning maintenance of the log book and that he did not acknowledge receipt of the earlier notification. He was suspended for fifteen (15) days.

Certainly, the evidence shows that the Claimant was aware of the Carrier's requirements concerning log books, and we agree with Carrier that, even if the log book was misplaced - as Claimant insisted - he had certain requirements to assure that another book was issued, beyond the action which he took. Further, the question of refusal to acknowledge receipt of the initial charge letter has been considered by this Board in Awards 22380 and 22490. We feel that those Awards set forth the basic concepts to be applied, and we find no basis for deviating from those Awards.

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 15th day of August 1980.

