

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22956
Docket Number MW-23024

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(St. Louis Southwestern Railway Company

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

(1) The suspension of five (5) days imposed upon Laborer Eugene Lemons was unjust, unreasonable and unwarranted (System File MW-78-18-CB).

(2) Laborer Eugene Lemons shall be compensated for all wage loss suffered including overtime pay."

OPINION OF BOARD: The Claimant was suspended from service for five (5) days because of an alleged insubordination toward his Foreman.

The record shows that on the night of July 17, 1978, the Claimant - who had been called out to work with an extra gang at a derailment site - took it upon himself to load certain switch points on a gang truck and he backed the truck over Track No. 21. This was done without instruction from his Foreman or without seeing that there was proper flagging protection against possible train movement.

When the Claimant's Foreman told the Claimant to stop his activity, the Claimant chose to dispute the point.

Later in the evening, there was an additional incident concerning a nut lock on a bolt.

We have reviewed the record in this docket, and we find nothing which compels us to disturb the Carrier's findings of guilt, nor can we say that the discipline imposed was unreasonable under the circumstances.

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.