

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23542
Docket Number MW-23692

Joseph A. Sickles, Referee

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

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

(1) The suspension of thirty (30) days imposed upon Foreman Inspector H. G. Buckner for alleged violation of Rules G-1 and 225 was unwarranted and without just and sufficient cause (System File 37-SCL-77-75/12-39(79-14) J).

(2) Foreman Inspector H. G. Buckner's record be cleared of the charges and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: On January 10, 1979, the Carrier charged the Claimant with a violation of certain rules, in that he was not in a proper position to clear a train pursuant to instructions given to him.

Subsequent to the investigation, the Claimant was suspended for thirty (30) days because, the Carrier found, he was not in the position as previously instructed, nor was he in a proper position to clear the train.

The Board has reviewed the record in this case, and we have noted that the Employee had certain responsibilities on the day in question to protect a crew working around a bridge. We have also noted that the Employee was not present in the designated place, in order to radio the train or wave it with a flag signal.

In consideration of the entire record, we are unable to find any basis for substituting our judgment for that of the Carrier's, and we will deny the claim.

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:

A. W. Paulsen

Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1982.

