

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24086
Docket Number SG-23393

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen
 { Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Missouri Pacific Railroad Company:

On behalf of Signal Foreman L. J. Usher and Signalman R. J. Stumpe, Chester, Illinois, account being suspended from service for 30 days as a result of an investigation held on April 20, 1979." (Carrier file: K 225-815)

OPINION OF BOARD: Subsequent to a notice of investigation the Employees were assessed a thirty (30) day suspension. They have questioned the adequacy of the notice, stating that it was "broad and ambiguous", and that it was not precise enough to afford the accused the opportunity to prepare themselves to defend against the accusations.

The notification instructed the Employees to report to a certain location at a designated time for an investigation to develop the facts and place a responsibility, if any, in connection with the report "... that you failed to properly maintain the signal appliances on your assigned territory on the Chester Subdivision."

While the Board concedes that the notification is not the most precise of accusations (and we note that the Employees made a timely objection); nonetheless it appears that the parties have been rather lax in demanding strict compliance for a significant period of time and thus we are disinclined to set aside the imposition of discipline on that procedural ground.

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: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of January 1983.

