

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24090
Docket Number SG-23423

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Southern Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company, et al.:

On behalf of D. H. Hartis, Signal Maintainer, who was suspended April 1 through June 29, 1979 for allegedly making false DOT inspection report and failing to comply with instructions about the switch fouling involved in both items." (General Chairman file: SF-119) (Carrier file: SG-403)

OPINION OF BOARD: The Claimant was notified to attend an investigation on a charge that he had submitted false information concerning certain inspections and tests; as well as an asserted failure to comply with certain direct instructions.

Subsequent to the investigation the Employee was notified that he had been found guilty and was suspended for ninety (90) days.

We have reviewed the record in its entirety and have found ample evidence which indicates that the Claimant did not promptly perform certain tests and that his performance of duty was lacking.

It is not incumbent upon us to substitute our judgment for that of the Carrier if there is evidence to support the finding of guilt and we find such evidence here. In addition, it is not incumbent upon us to reduce the punishment assessed unless we find it to be arbitrary and/or capricious and similarly, no such finding is made in this case.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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.

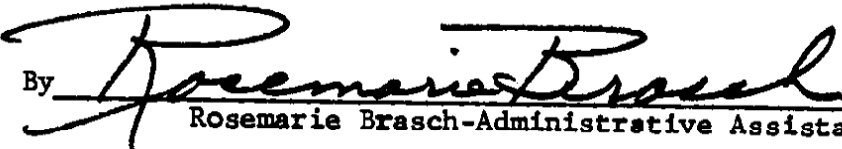
A W A R D

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.

