

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24394
Docket Number MW-24463

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employes
{ Terminal Railroad Association of St. Louis

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

(1) The five (5) days of suspension imposed upon Track Laborer R. E. Pruitt for failure to protect his assignment on September 12, 1980 was unwarranted and an abuse of justice and discretion by the Carrier (System File TRRA 1980-22).

(2) The claimant shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant, R. E. Pruitt, is a Track Laborer in System Gang No. 10. On Friday, September 12, 1980, he did not report for his regular assignment. On September 17, 1980, he was notified to report on September 30 for a hearing into the matter of failing to protect his assignment.

A hearing into the matter was held at which time Claimant testified that his car broke down due to his fan belt breaking. Carrier indicated that it would consider Claimant's plea if he produced evidence that he had purchased a fan belt for his car. He was given from September 23 to October 3 to produce the receipt. Having not received the evidence, Carrier found Claimant guilty as charged and assessed a five-day suspension.

A review of the record of this case reveals that Claimant was given every opportunity to produce evidence to clear himself of failure to protect his assignment. He did not produce that evidence. Given his past record of absences and tardiness, Carrier was justified in assessing a five-day suspension.

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.

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
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of May 1983.

