

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25051  
Docket Number SG-25147

John F. Cloney, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation:

System Docket 1617

Appeal on behalf of Maintainer-Test W. C. Wayne, who was suspended 30 days by notice dated February 6, 1981, for allegedly assuming an attitude of sleep while on duty January 30, 1981."

OPINION OF BOARD: Claimant, who was charged with "Assuming an attitude of sleep while on duty ..." testified at the investigation that he was sitting sideways in a swivel chair with his shoes off and his foot curled under him, in the dark when Division Engineer Olvens entered the office at 6:20 A.M. No other employees were on duty except for a Tower Operator who was upstairs.

As a result of the investigation Claimant was suspended for thirty days, a penalty which in view of the evidence this Board will not disturb.

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

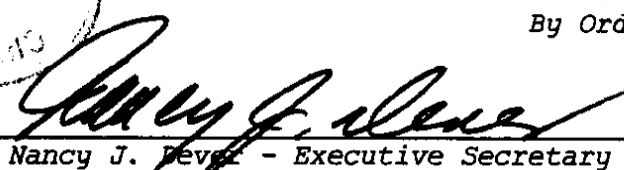
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 4th day of October 1984.