

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(  
(Missouri Pacific Railroad Company

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

(1) The discipline of Patrol Foreman G. E. Stafford for alleged failure to "(1) properly perform your duties as Foreman on Patrol Gang 5655 when you failed to find and replace broken angle bar at Bivens, Siding and (2) for absenting yourself without proper authority on February 18, 1982 and your failure to comply with General Rule N and Rule 240" was without just and sufficient cause and unwarranted (Carrier's File § 310-461).

(2) The Claimant shall now be accorded the benefits prescribed in Agreement Rule 12, Section 1(e).

OPINION OF BOARD: The Claimant was dismissed after the Carrier found that he had not properly performed his duties, in that he overlooked a broken angle bar and left his assignment without authority. Later, Claimant's dismissal was reduced to a suspension.

Without detailing the evidence adduced during the investigation, a review of the Transcript shows substantial evidence that the Claimant was guilty of the charges. Given the seriousness of the two offenses, the Carrier's assessment of discipline cannot be considered unduly harsh. Accordingly, we have no basis to disturb the Carrier's disposition in this instance.

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 herein; and

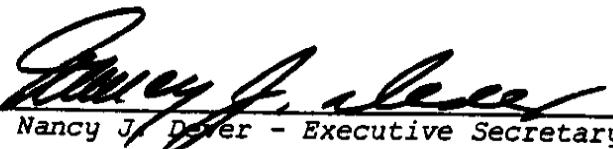
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dyer - Executive Secretary

Dated at Chicago, Illinois, this 15th day of March 1985.