

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25397
Docket Number MW-25428

Eugene T. Herbert, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Chesapeake and Ohio Railway Company
(Southern Region)

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

(1) The five (5) days of overhead suspension imposed upon Track Foreman R. L. Drown for alleged "failure to comply with instructions of Assistant Track Supervisor T. D. Sullivan, Friday, July 16, 1982" was unwarranted and on the basis of unproven charges (System File C-D-1432/MG-3611).

(2) The claimant's record shall be cleared of the charges leveled against him.

OPINION OF BOARD: A careful review of the record in this case indicates that Claimant was accorded due process under the Agreement at a fair and impartial Hearing. In light of the evidence there presented, the determination of his guilt was neither arbitrary, capricious nor motivated by personal animus, and the discipline imposed neither unreasonable nor unwarranted. Accordingly, the claim must be denied.

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. Dever - Executive Secretary

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