

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25814
Docket Number MW-25479

Eckehard Muessig, Referee

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

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

1. The Agreement was violated when Trackmen J. Riley, J. Keen, R. Combs and T. Melvin were suspended from service for one (1) day (August 27, 1982) without just and sufficient cause and without benefit of the procedure stipulated in Rule 21(a)(1) [System File C-TC-1497/ MG-3659].

2. The claimants shall each be allowed eight (8) hours of pay at their respective straight time rates."

OPINION OF BOARD: The significant events leading to this Claim began on Friday, August 27, 1982 when the Claimants, members of a work crew, reported to work without their safety glasses. Because of this, the Carrier's Supervisor refused to allow the Claimants to remain in service, resulting in the Claim before us.

The Organization contends that the Claimants had been instructed to leave their safety glasses in a Carrier-owned vehicle from which they later disappeared. Accordingly, it argues that when the Claimants reported for duty, additional safety glasses should have been provided to them by the Carrier. Moreover, it contends that the Carrier's refusal to allow the Claimants to perform their duties effectively served as discipline for the alleged violation of safety Rules and, therefore, the Claimants were entitled to a hearing under the provisions of the Controlling Agreement.

The Board has thoroughly reviewed the evidence properly before us. This material shows that the Claimants had been forewarned of the necessity of wearing their safety equipment and that failure to bring such equipment to work would result in the employee being relieved from duty until the proper protective equipment was obtained. Moreover, the Safety Rule affirms certain responsibilities of the employee for safeguarding equipment issued and for securing replacement for lost equipment. They failed to comply with the Carrier's requirements and, under the circumstances, the Carrier's actions cannot be said to be unreasonable.

In view of the foregoing, the Claim must fail.

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

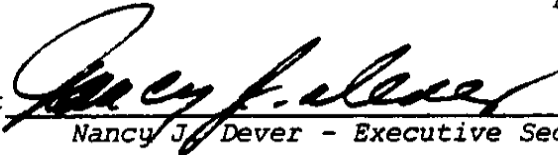
That the Agreement was not violated.

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 12th day of December 1985.