

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26560
Docket Number SG-26361

Robert W. McAllister, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corporation:

On behalf of R. W. Graves - Maintainer C&S, who was given a thirty (30) day suspension from October 10 to November 8, 1983 account of discipline following an investigation of an incident of October 10, 1983. Carrier file: NEC-BRS-SD-178D."

OPINION OF BOARD: The Claimant, a C&S Maintainer, was assigned to the Carrier's Baltimore Division. On August 14, 1983, a signal failure occurred during his tour of duty on his assigned territory. For over two and one half hours, personnel from the Carrier's movement desk attempted to contact him by telephone, radio, and physical search of his work area and were unable to do so. Because the Carrier was unable to locate the Claimant to service the signal failure, he was charged with being absent from duty without proper authority and cited for a Trial on the charge.

The Trial was held on September 1, 1983. It was determined the Claimant was guilty of the charge, and he was disciplined with a thirty (30) day suspension.

We have examined the Transcript of the investigation and conclude that the Trial was not conducted in a manner so as to deny or hinder Claimant's rights to a fair and impartial investigation, as provided in the Agreement. Our examination of the Transcript also indicates that substantial evidence was developed which clearly established that Claimant was not available at a time when he was scheduled to be on duty. Accordingly, it has been conclusively established the Claimant was guilty of the charges placed against him.

On the matter of the level of discipline assessed, thirty (30) days, it is noted the Claimant previously had been counseled and formerly disciplined for other failures to attend to his duties and comply with the Carrier's rules. With this background, the level of discipline cannot be viewed as arbitrary, capricious, or excessive.

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

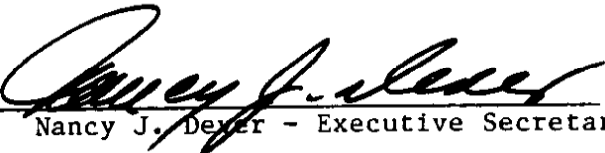
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dexter - Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1987.