

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

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

(1) The thirty (30) days of suspension imposed upon Track Foreman B. C. Brumfield for allegedly leaving his work site early in that he allegedly failed to comply with Track Supervisor R. G. Kitchen's instruction to remain at Orgas to finish tying down work equipment on October 10, 1985 was arbitrary, on the basis of unproven charges and in violation of the Agreement (System File C-D-3126/MG-5512).

(2) The claimant's record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

We have reviewed the record submitted by the parties and find that Carrier failed to adduce sufficient creditable evidence to support its charge of Claimant "...leaving job site early without permission on October 10, 1985, at approximately 4:30 p.m...." Therefore, Claimant's record should be cleared of the charge leveled against him.

The Board has been informed that Claimant has suffered no wage loss as a result of the suspension assessed. This being true, we award no compensation.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.