

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10217) that:

1. Carrier violated the Agreement Rules, particularly Rule 21, when it applied discipline of a ten (10) day actual suspension from service against Mr. T. Scales, Extra Board Clerk, Proviso, account formal investigation held on August 22, 1986, and,

2. Carrier shall now be required to clear Claimant's record of the charges and discipline assessed and to compensate Claimant T. Scales for all time lost account of the involved suspension from service, beginning August 29, 1986, and continuing until he was restored to the service thereafter."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

Claimant was employed as an Extra Board Clerk at Carrier's Proviso Yard. On August 18, 1986, he was called at 5:00 A.M. No answer was received.

A second call was made at 5:30 A.M. A man answered the phone and said that he had never heard of Claimant. A further attempt to call Claimant on his beeper was made, but no response was received. Carrier chose to charge Claimant with failure to protect his assignment. He was charged as follows:

"Your responsibility in connection with your failure to properly protect your assignment; specifically, your failure to be available for call at approximately 5:30 a.m. August 18, 1986, while you were assigned to the Proviso Extra Board."

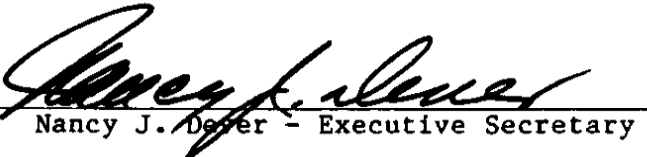
A Hearing into the matter was held on August 22, 1986. A Transcript of that Hearing is a part of the record. As a result of the Hearing, Claimant was found guilty as charged and assessed a 10-day suspension. This Board has reviewed the record and we conclude that Claimant was granted all procedural and substantive rights guaranteed by Agreement and that he was guilty of failure to protect his assignment. This Board also concurs with Carrier's assessment of a 10-day suspension. The record reveals that Claimant has previously received a 5-day suspension for the same class of infraction.

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 25th day of September 1989.