

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 28163
Docket No. CL-28505
89-3-88-3-418

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10314) that:

1. Carrier violated the effective agreement when, following an investigation on November 13, 1987, it issued discipline in the form of a thirty (30) day suspension from service against Mr. John Pufpaf;

2. Carrier shall now rescind the discipline assessed, shall compensate Mr. Pufpaf for all time lost as a result of this suspension from service and shall clear his record of the charge placed against him."

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 were given due notice of hearing thereon.

Claimant, the subject of two prior Awards issued by this Board (see Third Division Awards 28161, 28162), was again cited for marking off sick under false pretenses on September 18, 19, 24, 25, and 26, 1987. Claimant worked only two dates between September 18 and 26, and never on his 6 AM assignment. Following an investigation, Claimant was found guilty of the charge and assessed a thirty-day suspension.

Claimant was issued a Notice of Investigation on October 1, 1987. The hearing was held on November 13. At the hearing, Claimant entered a physician's report dated October 2, 1987. Some medication was prescribed and Claimant's prognosis was indicated as good. Claimant was not hospitalized, nor were any x-rays taken.

Given the fact that this visit occurred following the period for which Claimant was charged and the report itself gave no indication that Claimant was unable to work, the report carries little weight.

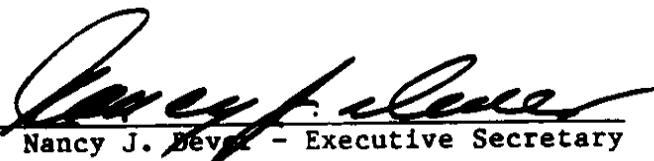
This Board has reviewed the entire record of this case, including the transcript of the Investigation and the parties' arguments on the suspension. We find this case to be on all fours with those considered in the two prior Awards. As in those cases, we must deny the Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Devel - Executive Secretary

Dated at Chicago, Illinois, this 16th day of October 1989.