

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

PARTIES TO DISPUTE: (R. Duguay  
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

"(1) The suspension from June 30 to August 18, 1988 of Railroader R. Duguay for allegedly being absent without authority on June 30, 1988 was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement.

(2) The Carrier violated the Agreement when it refused to afford the Claimant his right of appeal as set forth in Section VI. 'Discipline', following a hearing which was held on July 13, 1988.

(3) As a consequence of the violations referred to in either Part (1) and/or Part (2) above, Mr. R. Duguay shall be paid for all wage loss suffered and his record shall be cleared of the charge leveled 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 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 were given due notice of hearing thereon.

As Third Party in Interest, the United Transportation Union was advised of the pendency of this dispute and filed a Submission with the Division.

This case is a companion to Third Division Award 28726. The fact situation, the arguments and contentions, the responses by Claimant relative to his willingness to proceed at the Hearing, etc. are the same or very similar to those found in Third Division Award 28726. The Findings and opinions of that Award are, by reference, made a part of this Award and are dispositive of the issues in this case.

Form 1  
Page 2

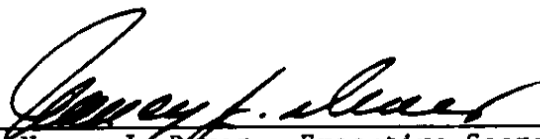
Award No. 28727  
Docket No. MS-28961  
91-3-89-3-358

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this' 28th day of March 1991.