

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 30235
Docket No. SG-29992
94-3-91-3-441

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr., when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Houston Belt & Terminal Railway Company

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Houston Belt and Terminal Railroad:

Claim on behalf of M. S. Wolford, for rescission of discipline from his record, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 700, when it did not find him guilty as charged." G.C. File No. 90-89-H-D. BRS Case No. 8385-UP.MP.

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 employe 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.

Following an Investigative Hearing, the Claimant was notified as follows:

"You are hereby advised that your record has this date been assessed with thirty (30) days deferred suspension in connection with your failing to comply with instructions on the evening of August 14, 1990, when you failed to sign out with Signal Maintenance Foreman J. R. Dean as required, and for your failure to protect assignment by missing call that evening, and failing to protect your assignment on August 15, 1990, by reporting for duty one and one-half hours late, in violation of Rules 600, 604, and 605 from the Safety, Radio and General Rules for All Employees. . . ."

The Hearing record demonstrates convincingly that the Claimant was remiss both in his availability on August 14, 1990, and in his late reporting for duty on August 15, 1990. The resulting disciplinary penalty is consonant with the offenses, and the Board finds no basis to disturb the Carrier's action.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Linda Woods
Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.