

PUBLIC LAW BOARD NO. 1925

Award No. 30

Case No. 30

Parties Brotherhood of Maintenance of way Employees
to and
Dispute Southern Pacific Transportation Company
 -Texas and Louisiana Lines-

Statement of Claim: 1. Carrier violated the effective Agreement when it unfairly and without just cause suspended Extra Gang Laborer James Jackson, from October 20, 1976 until November 8, 1976.

2. Claimant be paid for all time lost from October 20, 1976 to November 8, 1976 and that this charge be stricken from his record.

Findings: The Board finds, after hearing upon the whole record and all evidence, that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 23, 1977, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, a Laborer on the San Antonio Division, was suspended from service by his Division Engineer for 19 days, October 20 to November 8, 1976, for leaving his job with Extra Gang No. 403 on October 19, 1976 about 11:00 a.m. The investigation, which Claimant requested, was held on November 4, 1976, did not cause any change in the discipline imposed. Rule M-810, which Claimant violated, in pertinent part reads:

"Employees must report for duty at the prescribed time and place, remain at their post of duty and devote themselves exclusively to their duties during their tour of duty. They must not absent themselves, from their employment without proper authority...."

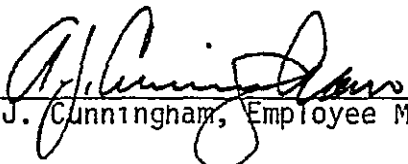
The Board finds that Claimant was given a fair and impartial hearing.

The record, despite conflicting testimony provides support for Carrier's conclusion. It was not error for Carrier, as the trier of facts, to resolve the conflicts in testimony. Carrier quite properly determined that the testimony given by its witnesses, which was to the effect that Claimant had left the property without authority, was the more credible testimony.

The Board finds that the discipline imposed was in the circumstances not unreasonable. This Claim will be denied.

Award:

Claim denied.


A. J. Cunningham, Employee Member


R. W. Hickman, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Houston, Texas, May 8, 1978.