PUBLIC LAW BOARD NO. 2143

AWARD NO. 188

SEABOARD COAST LINE RAILROAD COMPANY

VS.

UNITED TRANSPORTATION UNION

STATEMENT OF CLAIM: Claim of Trainman C. W. Haynes for time lost to attend investigation, removal of the twenty (20) demerits assessed in letter of February 4, 1976, and that all reference to discipline assessed by letter of February 4, 1976, be removed from Trainman Haynes' personal record.

RULE CITED BY CARRIER: Claimant was disciplined for violation of Operating

Rule 701, reading:

> Employees must report for duty in accordance with current instructions.

FINDINGS: We set aside the discipline assessed because of Carrier's failure

to comply with Article 31(a).

On December 20, 1975, Claimant deadheaded to Brooksville, Florida,

for duty on the 1st Brooksville Road Switcher, only to find that another

trainman had been called for the job and that he should have gone to

Mulberry for duty on the 1st Fort Meade Switcher. He proceeded to Mul-

berry and reported to General Yardmaster G. H. Lipsey that he had been

improperly called to Brooksville. He was not cited for investigation

until January 20, 1976, the notice reading as follows:

> Please arrange to report to the office of Superintendent Terminals in the Mechanical Building at Uceta Yard at 9:00 AM, Monday, January 26, 1976, for a formal investigation to develop all facts, circumstances, and conditions, and place your personal responsibility in connection with Brakeman C. W. Haynes deadheading to Brooksville, Florida in error on December 20, 1975.

You may have representation if you so desire in accordance with the agreement under which you are employed, and you may arrange to have present any witnesses who have knowledge of this matter.

. We find no justification for waiting 31 days to commence the disciplinary procedure.

AWARD: Claim sustained. Carrier shall make this award effective within 30 days from date hereof.


_DAVID H. BROWN, Neutral Member_


_W. H. MORSE, JR., Carrier Member_            _J. M. HICKS, Organization Member_

June 18, 1982