

Award No. 24
Case No. 23

Public Law Board No. 3794

Parties to Dispute:

Brotherhood of Maintenance
of Way Employees

and

Seaboard System Railroad

Statement of Claim:

1. The 30 demerits imposed on Trackmen L. Hunt and Otis Chester was without just and sufficient cause.
2. Claimants Hunt and Chester's records shall now be cleared of the 30 demerits assessed.

Findings:

This is the same basic situation that this Board considered in issuing denial Award in Case No. 22. Ten cross ties belonging to Carrier were wrongfully delivered to an owner of private property by Claimant D. Ingram.

When Hunt and Chester were first questioned by a special agent in the course of his investigation of the affair, they denied any involvement in it and concealed pertinent facts. When subsequently confronted with additional evidence by the investigator, they admitted that they were in the truck at the time of the delivery.

Carrier's findings that they did not cooperate with their employer's legitimate investigation or make a report regarding unauthorized activity are amply supported by the record. Discipline is not inappropriate even though they did not drive the truck or receive money from the recipient of the ties. The thirty demerits assessed does not constitute cavalier treatment. In suspending Claimant Ingram (Case No. 22) for 60 days, Carrier properly took into consideration the role each of the employees played.

For the reasons set forth in Award *23* (Case No. 22), we find no merit in Petitioner's theory that the discipline must be set aside since Carrier failed to file charges within ten days of its knowledge of the violations.

Award: Claim denied.

Adopted at Jacksonville, Florida, *November 6* 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member