

PUBLIC LAW BOARD NO. 4373

PARTIES	SOUTHERN PACIFIC TRANSPORTATION COMPANY )	
	(EASTERN LINES)	
TO	AND	AWARD NO. 15
DISPUTE	BROTHERHOOD OF MAINTENANCE OF WAY )	CASE NO. 10
	EMPLOYEES	

STATEMENT OF CLAIM:

1. Carrier violated the effective agreement when Track Laborer M. W. Stephens was unjustly suspended from service for a period of thirty (30) days.
2. Claimant Stephens shall now be paid for 168 hours at his respective straight time rate of pay and also that his record be cleared of the alleged violation of that part of Carrier Rule 607 account him unjustly withheld from service.

HISTORY OF DISPUTE:

On June 18, 1987, Claimant was notified by a Carrier Officer that he was being suspended from service for failing to observe a broken rail while working as a Laborer Driver on I&R Gang 443 on the previous day. Claimant became quarrelsome and insubordinate to the officer and refused to obey his instructions.

By letter dated June 18, 1987, Claimant was notified that he was in violation of Rule 607 and that a hearing would be held on July 10, 1987. Hearing was held as scheduled and Claimant was suspended from service for a period of thirty days.

The Organization grieved the discipline. As the dispute remains unresolved, it is before this Board for final and binding determination.

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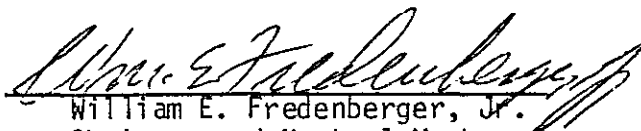
FINDINGS:


The Board upon the whole record and all the evidence finds that the employees and the Carrier are employees and Carrier within the meaning of the Railway Labor Act, as amended, 45 U.S.C. §§151 et seq. The Board also finds it has jurisdiction to decide the dispute in this case. The Board further finds that the parties to the dispute, including Claimant, were given due notice of the hearing in this case.

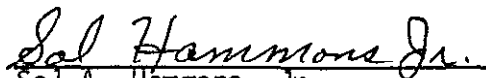
We are satisfied that the record in this case substantiates Claimant's violation of Rule 607 and cannot find that the suspension was excessive or otherwise improper.

AWARD

Claim denied.

  
William E. Fredenberger, Jr.  
Chairman and Neutral Member

  
R. O. Naylor  
Carrier Member

  
Sol A. Hammons, Jr.  
Employee Member

Dated: Feb. 26, 1990