

PUBLIC LAW BOARD NO. 4373

PARTIES	SOUTHERN PACIFIC TRANSPORTATION COMPANY)	
	(EASTERN LINES)	
TO	AND	AWARD NO. 19
DISPUTE	BROTHERHOOD OF MAINTENANCE OF WAY)	CASE NO. 16
	EMPLOYEES	

STATEMENT OF CLAIM:

1. Carrier violated the effective agreement when D. L. Johnson was unjustly suspended from service.
2. Claimant Johnson shall now be paid for 168 hours at his straight time rate of pay and his record cleared of the charges for allegedly violating Carrier Rules 604, 607 and 1040.

HISTORY OF DISPUTE:

By letter dated August 26, 1987, Claimant was notified that he was suspended from service for a period of twenty-eight days for being insubordinate and quarrelsome and using profane and vulgar language toward his foreman on August 21, 1987, and for failure to report for duty at the designated time and place on August 24, 1987. Claimant requested an investigation under provisions of the Agreement. Investigation was held on September 16, 1987, and Claimant was found guilty of violating Rules 604, 607 and 1040. By letter dated September 29, 1987, he was advised that the suspension was upheld.

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


FINDINGS:

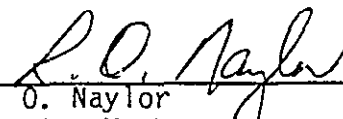
The Board upon the whole record and all the evidence finds that the employees and the Carrier are employees and Carrier within the meaning of the Railway Labor Act, as amended, 45 U.S.C. §151 et seq. The Board also finds it has jurisdiction to decide the dispute in this case. The Board further finds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

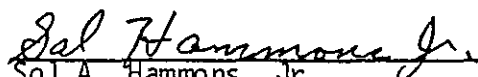
We are satisfied that the record in this case substantiates Claimant's violation of Rules 604, 607 and 1040 and cannot find that the suspension was excessive or otherwise improper.

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