

PUBLIC LAW BOARD NO. 1760

Award No. 78

Case No. 78

Docket No. MW-MOB-83-30

Parties Brotherhood of Maintenance of Way Employes  
to and  
Dispute Norfolk and Western Railway Company  
(Former Wabash)

Statement

of Claim: Claim on behalf of L. J. Ginn that she be returned to her respective position and that she be paid for all time held out of service.

Findings: The Board has jurisdiction of this case.

Claimant, on August 29, 1985, was employed as a B&B Painter Helper on the Moberly Division working at Hannabel, Missouri. On or about the starting time, Claimant asked her Foreman for permission to leave her assignment early in order to get her paycheck at Moberly. The Supervisor talked with his supervisor and later told Claimant that she could not and would not be excused. He read Rule 1703 to her, in part, which reads:

"...they must not absent themselves from duty, exchange duties or substitute others in their place without proper authority."

Claimant was advised that she could not leave and if she did that it was without authority and that she would be deemed insubordinate. Claimant said that she was going, that she had to go, and that she was going to leave early, whether or not she received permission. The Foreman read her Rule 1703.

She was required to attend a formal investigation. She was found guilty.

In view of Claimant's culpability, her prior record, and the charge, Claimant was dismissed from service as discipline therefor.

Claimant, on the record had a fair and impartial investigation.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability.

The discipline in light of Claimant's service record is not deemed to be unreasonable. This claim will be denied.

Award: Claim denied.

*Sol Hammons, Jr.*  
Sol Hammons, Jr., Employee Member

*J. Abbateello*  
J. Abbateello, Carrier Member

*Arthur T. Van Wart*  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued June 9, 1988.