

PUBLIC LAW BOARD NO. 1844

AWARD NO. 37

CASE NO. 42

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

"(1) The fifteen (15) day suspension of Mr. Shane Snyder was without just and sufficient cause and, therefore, his record should be cleared of the charges placed against him and he should be paid for all time lost."

OPINION OF BOARD:

Claimant was working as a Trackman on March 11, 1977, but did not want to work in the rain. He and another employe, one C. D. Lyness, were under special instructions to receive direct authorization from the Roadmaster before absenting themselves from work. As described in Award No. 36 (Case No. 41), Lyness sought permission for both himself and Claimant Snyder to leave work that day but was refused such permission by the Roadmaster. Notwithstanding the refusal of permission, Claimant Snyder and Lyness left work anyway. Claimant thereafter was notified to appear for hearing and investigation, following which he was assessed fifteen days' suspension for leaving work without permission and against direct orders of his supervisor. Upon consideration of the hearing transcript we find no reason to reverse Carrier's conclusion that Claimant was guilty as charged. There is no evidence to support Claimant's suggestion that he was "led astray" by Lyness. Nor can we find the penalty excessive in the circumstances of this case. The claim is denied.

FINDINGS:


Public Law Board No. 1844, upon the whole record and all of the evidence, finds and holds as follows:

1. That the Carrier and Employee involved in this dispute are, respectively, Carrier and Employee within the meaning of the Railway Labor Act;
2. that the Board has jurisdiction over the dispute involved herein; and
3. that the Agreement was not violated.

AWARD

Claim denied.


Dana E. Eischen, Chairman


H. G. Harper, Employee Member


R. W. Schmiede, Carrier Member

Date: 12/6/78