

Award No. 25  
Case No. 28

Public Law Board No. 2363

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Louisville and Nashville Railroad Company

STATEMENT  
OF  
CLAIM:

1. The demotion of M. A. Boggess from Foreman to Assistant Foreman was without just cause.
2. Claimant shall be restored to his former position and paid time lost.

FINDINGS:

Claimant was demoted from Foreman to Assistant Foreman for leaving his job before his 3:30 p.m. quitting time. The evidence establishes that he and his gang quit work at 3:10 p.m. September 1, 1977, 12:44 p.m. on the following day, 3 p.m. on September 6, 1977, 3:20 p.m. on the next day and well before 3:30 p.m. on September 9, 1977.

There is no indication that he had received express or implied permission to leave early and his contention


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that he had sufficient make-up time to offset the "early quits" is not supported by proof.

In the light of this record, we cannot validly find that it was reversible error for Carrier to demote claimant from a position involving considerable responsibility, discretion and leadership. The claim will be denied.

AWARD: Claim denied.

Adopted at Louisville, Kentucky, *January 30,* 1980.

  
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Harold M. Weston, Chairman

  
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Carrier Member

  
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Employee Member