

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad (L & N RR)

STATEMENT
OF
CLAIM:

Claim by Track Foreman C. D. Scott that his suspension from June 28 to July 19, 1982 be set aside and removed from his record and that he be compensated for all lost time.

FINDINGS:

Claimant's 15-day suspension was based on Carrier's findings, after a hearing had been held in the matter, that claimant had not complied with Roadmaster H. A. Jones' verbal instructions. Carrier's findings are supported by Roadmaster Jones' testimony. He testified that he had instructed claimant to remove tie butts from the approaches to several bridges near Evergreen, Alabama, and to "fill in with ballast and fix a good run off." Mr. Jones testified further that claimant failed to remove the tie butts and operations were delayed. Claimant was serving as an extra gang foreman at the time under Mr. Jones' supervision.

Mr. Jones' testimony was corroborated in essential respects by the testimony of Track Repairman Killan. While con-

2363-AWD 47

troverted, it constitutes credible and substantial proof sufficient to support Carrier's findings and decision to suspend claimant. The record discloses no prejudicial error.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, *November 6,* 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member