

PUBLIC LAW BOARD NO. 2366

AWARD NO. 55

DOCKET NO. 69

BMW NO. IL-242-T-82

ICG NO. 1515

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

- " (1) The sixty (60) day actual suspension assessed Trackman R. G. Johnson for alleged insubordination and walking off the job on December 29, 1981 was without just and sufficient cause and excessive...
- ' (2) Trackman R. G. Johnson shall be compensated for all wage loss suffered.' "

OPINION OF BOARD

The Claimant was notified to attend an investigation concerning an allegation that he had abandoned his position.

Subsequent to the investigation he was assessed a sixty (60) day actual suspension.

In the view of the Board there is evidence of record to substantiate the charge that the Employee refused to work when he failed to use the appropriate tool and walked away from his job site.

Further, the record indicates that the Employee heard the order because he started to comply.

We are cognizant of the fact that the Claimant denies culpability however it is not incumbent upon us to substitute our judgment for that of the Carrier in making credibility determinations or to substitute our judgment for that of the Carrier concerning the assessment of discipline.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

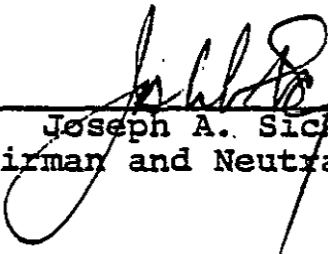
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

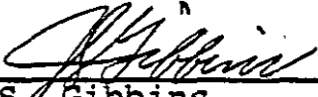
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

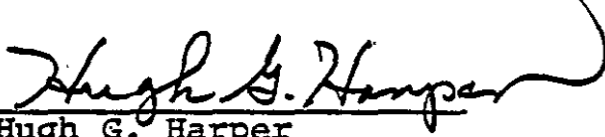
Claim denied.



Joseph A. Sickles
Chairman and Neutral Member



J. S. Gibbins
Carrier Member



Hugh G. Harper
Organization Member

5/31/83

DATE