

PUBLIC LAW BOARD No. 2366

AWARD No. 77

DOCKET No. 91

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Illinois Central Gulf Railroad Company

STATEMENT OF CLAIM

"Claim of the System Committee of the Brotherhood that:

1. The sixty (60) day suspension assessed T. L. Story; the ten (10) day suspension assessed J. K. Littrell; the fifteen (15) day suspension assessed R. L. Snyder and the ten (10) day suspension assessed R. L. Snyder and the ten (10) day suspension assessed R. E. Little for allegedly failing to follow the instructions of your supervisors and absenting yourselves without authority at approximately 3:30 p.m. on December 29, 1983 was without just and sufficient cause, excessive and disparate discipline. (Organization File MW-38--T-84; Carrier File 1630).

2. Each of the Claimants shall have his record cleared of the charge and shall be compensated all wage loss suffered."

OPINION OF THE BOARD

The Claimants were notified of an investigation of a charge of failing to follow instructions and absence without authority. Subsequent to the investigation, one Claimant was assessed a 60 day suspension, one was assessed a 15 day suspension and two were assessed 10 day suspensions.

The Carrier asserts that the four Employees refused to work in an emergency and left the premises without authority. The Carrier justifies the differences in the length of suspensions based upon a review of each Employee's individual prior record.

We have reviewed this record at length and find no basis to unduly lengthen this document. The record clearly shows that the Employees failed to follow instructions and left the premises for significant periods of time without permission. Moreover, we do not agree with the Claimants' assertion of disparate treatment since the variance in the

length of the disciplinary suspension was directly related to the Employee's past record.  
We will deny the claims.

### FINDINGS

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

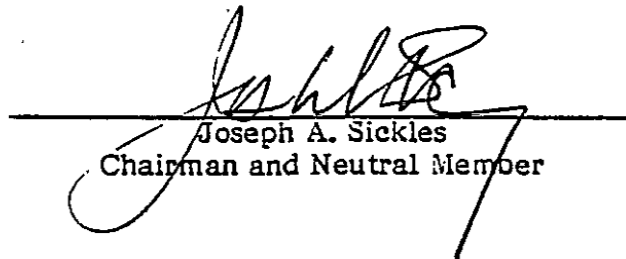
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

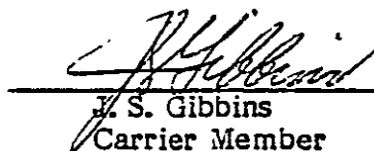
This Board has jurisdiction over the dispute involved herein.

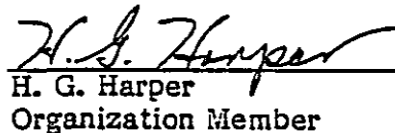
The parties to said dispute were given due and proper notice of hearing thereon.

### AWARD

1. Claims denied.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
\_\_\_\_\_  
J. S. Gibbins  
Carrier Member

  
\_\_\_\_\_  
H. G. Harper  
Organization Member

September 30, 1985  
Date