

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

1. The Carrier arbitrarily and capriciously violated the provisions of the effective Agreement by the issuing of a sixty-day (60) day actual suspension as discipline to Assistant Foreman Curtis Wayne Spees, on the basis of his alleged being guilty of insubordination and of falsifying time sheets on September 8, 1967.

2. The Carrier shall now reimburse Claimant Curtis W. Spees for all money loss suffered by him from September 21, 1967 up to the date he returned to work and that his record be cleared.


OPINION OF BOARD:

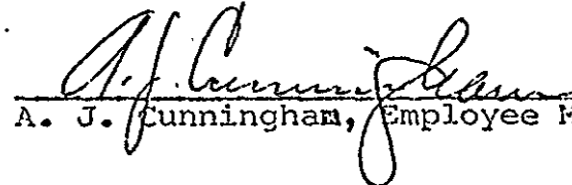
The evidence adduced during the formal investigation (hearing) on the property is sufficient to indicate that, while Claimant Spees may not have been guilty of the more serious Carrier charges cited in the claim, he was at least guilty of negligence in the performance of his assigned duties on September 8, 1967. Accordingly, the suspension will be reduced to a 30-day actual suspension, with claimant to be made whole for pay lost beyond the first 30 days of said suspension.

AWARD:

Claim sustained to extent indicated in above Opinion of Board.


Lloyd H. Bailer, Chairman


E. G. Psolla, Carrier Member


A. J. Cunningham, Employee Member

Dated: July 13, 1971