

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad

STATEMENT
OF
CLAIM:

1. The five-day suspension imposed on Laborer Ralph Jones was without just and sufficient cause.
2. Claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered.

FINDINGS:

Claimant was instructed to report to an attorney at 8:30 a.m. on Friday, October 14, 1983, for the purpose of giving a deposition. He was under pay at the time he was to meet with the attorney, but did not appear at the attorney's office until 9:30 a.m. on October 14. His tardiness adversely affected the attorney's preparation for the case.

Contrary to Carrier's position, it is our view that claimant's failure to report on time does not constitute insubordination. We would set aside the discipline in its entirety if it were not for claimant's agreement to be present at 8:30 a.m. and his lame excuse that he simply took the time to have a leisurely breakfast with a friend. It was not proper for him to take liberties

with Carrier's time to the detriment of an important business appointment.

The suspension will be reduced to two days.

AWARD:

Suspension reduced to two days. To be effective within 30 days.

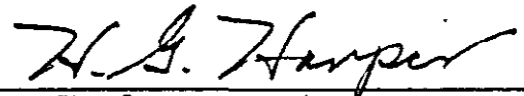
Adopted at Jacksonville, Florida, Dec. 19, 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member