

PUBLIC LAW BOARD NO. 4373

PARTIES	SOUTHERN PACIFIC TRANSPORTATION COMPANY)	
	(EASTERN LINES))	
TO	AND	AWARD NO. 20
DISPUTE	BROTHERHOOD OF MAINTENANCE OF WAY)	CASE NO. 20
	EMPLOYEES)	

STATEMENT OF CLAIM:

1. Carrier violated the effective agreement when Bridge Tender D. J. Trahan was unjustly suspended from service.
2. Claimant Trahan shall now have his personal record cleared of his alleged violation of Southern Pacific Transportation Company Rules A, B, E, 607, 621 and 806 on September 11, 1987, in addition to all pay lost commencing September 14, 1987, through and including September 25, 1987, a total of eighty (80) hours pay.

HISTORY OF DISPUTE:

Claimant suffered a personal injury on Friday, September 11, 1987, and did not report the injury to his supervisor until Sunday, September 13, 1987. As a result, he was charged with violation of Rules A, B, E, 607, 621 and 806. Investigation was held on September 23, 1987, and Claimant was suspended from service for a period of ten days.

The Organization grieved the discipline. As the dispute remains unresolved, it is before this Board for final and binding determination.

FINDINGS:

The Board upon the whole record and all the evidence finds that the employees and the Carrier are employees and Carrier within the meaning of the Railway Labor Act, as amended, 45 U.S.C. §§151 et seq. The Board also finds it

has jurisdiction to decide the dispute in this case. The Board further finds that the parties to the dispute, including Claimant, were given due notice of the hearing in this case.

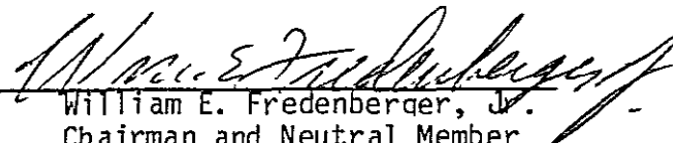
Claimant contends that he made several attempts to call his supervisor and had reported the injury to other employees. The Board agrees with the Carrier's contention that Claimant should have contacted someone in authority when he determined that his supervisor was unavailable. While we believe the Carrier was within its prerogative to assess Claimant a suspension, we think the length was excessive. We believe, under the circumstances in this case, Claimant should have received no more than a five-day suspension.

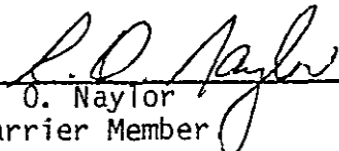
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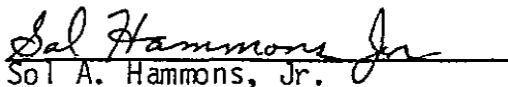
Claimant's suspension shall be reduced to five days and he shall be paid for all time out of service in excess of that amount.

Claim denied in all other respects.

The Carrier shall make this award effective forthwith.


William E. Fredenberger, Jr.
Chairman and Neutral Member


R. O. Naylor
Carrier Member


Sol A. Hammons, Jr.
Employee Member

Dated: Feb. 26, 1990