

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

v.

BURLINGTON NORTHERN RAILROAD

STATEMENT OF CLAIM

1. The discipline of fifteen (15) days of suspension imposed upon Bridge Mechanic G. L. Combs for alleged violation of General Rules 580 and 576 of the Burlington Northern Safety Rules and General Rules for alleged unauthorized use of railroad credit and alleged failure to comply with instructions from a proper authority was arbitrary, capricious, unwarranted and without just and sufficient cause (System File S-P-292C/MWB 83-2-23D).
2. The Claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered.

FINDINGS

On the evening of October 25, 1982, the Claimant, Mr. Jerry L. Combs, charged a motel room rental to the Carrier. Subsequently, on October 27, 1982, and October 30, 1982, Mr. Combs was instructed by his supervisor to pay for the room and thereafter to claim the amount on his expense account. However, it was not until after Mr. Combs had been served with a Notice of Investigation (pertaining to this matter) that Mr. Combs paid the bill (on November 7, 1982).

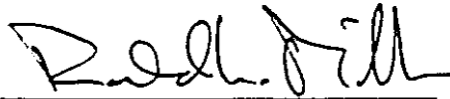
It is clear from the record that when Mr. Combs charged the room to the Carrier, he was aware of Rule 580 and its prohibition of unauthorized use of railroad credit.

Additionally, there was sufficient opportunity for Mr. Combs to comply with his supervisor's specific instruction prior to Mr. Combs leaving the area (on October 28th) and during the subsequent week of vacation. Although Mr. Combs ultimately paid the bill, the lengthy delay in complying with his supervisor's instructions is not warranted or justified, and is appropriately the basis for disciplinary action.

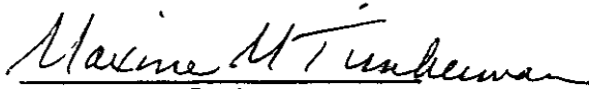
Given that there is no evidence that Mr. Combs intended to defraud the Carrier, and also Mr. Combs' record of satisfactory service, the discipline shall be reduced to five (5) days. Mr. Combs is also to be issued a written reprimand concerning his unauthorized use of railroad credit and his insubordinate conduct.

AWARD


The fifteen (15) day suspension shall be reduced to five (5) days and written reprimand issued.



Ronald L. Miller
Chairman and Neutral Member



Maxine M. Timberman
Carrier Member



Karl P. Klutsen
Organization Member

3-31-88

Date