

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1040

Case No. 13

PARTIES: SOO LINE RAILROAD COMPANY

TO :

DISPUTE: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM:

Appeal of Claimant Robert A. Lucansky's
suspension on May 11, 1993.

FINDINGS:

Claimant, Robert A. Lucansky, was employed by the Carrier as a laborer in Besenville, Illinois.

On April 20, 1993, the Claimant was informed by letter from the Carrier to appear for a formal investigation to determine whether or not he was guilty for allegedly walking off the job and leaving work without authority on April 14, 1993. As a result of this investigation, the Carrier found the Claimant guilty as charged and suspended him for twenty days.

On May 17, 1993, the Claimant appealed this matter to the Special Board of Adjustment.

This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of walking off the job and leaving work without authority on April 14, 1993. At the hearing and in his written statement, the Claimant admits that he did not have permission to leave and, yet, left work because of a dispute with his fellow employees. That admission is certainly enough to substantiate the finding of guilty of the rule violation.

Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

The Claimant's personal record indicates that in June of 1992, the Claimant received a ten-day suspension for insubordination and abusive conduct. Given that previous disciplinary record and the serious nature of the violation here, which often leads to termination, this Board cannot find that the Carrier acted unreasonably or arbitrarily when it issued a twenty-day suspension to the Claimant. Therefore, the claim will be denied.

AWARD:

Claim denied.



PETER R. MEYERS
Neutral Member

Dated: July 14, 1993