

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 107  
Docket No. 110

PARTIES: Brotherhood of Maintenance of Way Employees  
TO :  
DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Appeal by the System Committee of the Brotherhood  
"of Discipline Notice No. 85-20, dated May 21, 1985, indicating 15  
days deferred suspension and disqualification as Foreman for Mr.  
C.C. Brown's alleged failure to economically perform the duties of  
his position as B&B Foreman and supervise his man on May 8, 1985,  
while painting the Boone Yard Office."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On May 9, 1985, Claimant was directed to attend a formal investigation of the charge:

Your responsibility for your failure to economically perform your duties of your position as B&B Foreman and supervise your man on May 8, 1985 while painting the Boone Yard Office.

The investigation was held as scheduled, and a copy of the transcript has been made a part of the record. We find that the investigation was conducted in a fair and impartial manner.

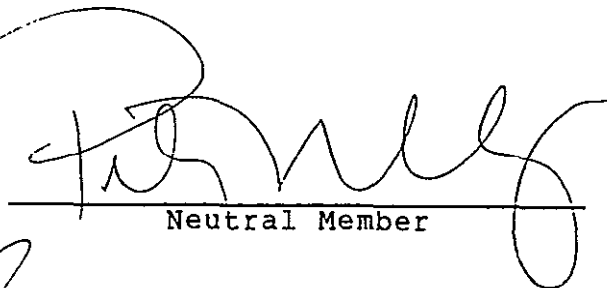
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the offense with which he was charged.

Once this Board has determined that there is sufficient evidence to establish the Claimant's guilt, 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 it to be unreasonable,

arbitrary, or capricious. In this case, the deferred suspension and disqualification as foreman were appropriate given the nature of the offense. Consequently, we must deny the claim.

Award:

Claim denied.

  
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Neutral Member

  
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Carrier Member

  
\_\_\_\_\_  
Organization Member

Date: April 13, 1988