

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 21
Docket No. 25

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
that:

- (1) The sixty (60) day suspension assessed B&B Carpenter J. C. Tranbarger was without just and sufficient cause and excessive. (Organization File 2D-3546; Carrier File 81-83-61-D).
- (2) B&B Carpenter J. C. Tranbarger shall have his record cleared of this charge and be compensated for all wage loss suffered.

FINDINGS:

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

This dispute involves a sixty-day suspension assessed against a B&B Carpenter, who was observed being off the property, apparently for the purpose of a coffee break, for about thirty-five (35) minutes on November 4, 1982.

On November 15, 1982, claimant was instructed to attend formal investigation on the charge:

"Your responsibility for non-performance of work
as assigned to you on Thursday, November 4, 1982."

The investigation was conducted on November 29, 1982, following which claimant was assessed discipline of sixty days actual suspension.

A review of the transcript of the investigation, including claimant's statement, shows that claimant and another employee, took a coffee break for some thirty or thirty-five minutes on November 4, 1982, and that coffee breaks are not allowed during assigned working hours.

Some discipline was warranted, but certainly not a sixty day suspension for an offense of this nature. We will award that the discipline be reduced to thirty days suspension, and that claimant

be paid for all time lost in excess of thirty days, with pay for time lost to be computed in accordance with Rule 19(d).

A W A R D

Claim sustained in accordance with Findings.

ORDER

The Carrier is directed to comply with this Award within thirty days from the date hereof.

Paul C. Carter
Chairman, Neutral Member

J. D. Crawford
Carrier Member

H. G. Hopper
Labor Member

Date: 5/8/84.