

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 56
Docket No. 65

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 fifteen (15) day suspension assessed Machine Operator S. E. Blum for allegedly being absent without proper authority on June 22, 1984, was without just and sufficient cause, capricious and excessive. (Organization File 4D-4690; Carrier File 81-84-225-D).
- (2) Machine Operator S. E. Blum shall be allowed the remedy prescribed in Rule 19(d)."

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.

The claimant herein is the same as involved in Award No. 55. The occurrence herein actually arose out of the same incident as involved in Award No. 55. On June 29, 1984, claimant was instructed to appear for a hearing scheduled for July 3, 1984, on the charge:

"Your responsibility in connection with being absent from duty without proper authority on June 22, 1984."

The hearing was postponed and conducted on July 9, 1984. A transcript of the hearing has been made a part of the record.

In the hearing it was established that, without securing authority or notifying any supervisory officer, claimant, on June 22, 1984, left work about 2:30 P.M., or 1-1/2 hours prior to the conclusion of his assignment.

No employee is permitted to decide for himself when he will leave his assignment. Carrier's Rule 14 of General Regulations and Safety Rules provides:

"Employees must report for duty at the designated time and place. They must be alert, attentive and devote themselves exclusively to the Company's service while on duty. They must not absent themselves from duty, exchange duties with or substitute others in their place, without proper authority."

Claimant was clearly in violation of the rule. The discipline imposed was not arbitrary, capricious or in bad faith. The claim will be denied.

A W A R D

Claim denied.

Benny Simon
Carrier Member

Paul C. Carter
Chairman, Neutral Member

H. G. Harper
Labor Member

DATED: Oct 3, 1985.