

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1037

Case No. 1

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: CSX Transportation, Inc.

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

Thirty day suspension assessed M. A. Self, ID # 165689
as a result of investigation held March 30, 1990, at
Tampa, Florida."

FINDINGS:

Claimant was charged with failing to protect his assignment as Bridgetender at Big Manatee River at Brandenton, Florida; shift commencing at 1600 hours. Further, on check roll received in Division Accountant's Office on March 16, 1990, at 10:48 a.m., it was noted that Claimant claimed eight hours straight time for March 11, 1990. As a result, Claimant was charged with violation of a portion of Rule 500 which reads as follows:

Employees must report for duty at the designated time and place, employees must not absent themselves from duty.

Claimant was also charged with violation of Portion of Rule 501 which reads in part, as follows:

Employees must not be disloyal, dishonest, insubordinate, immoral, quarrelsome, vicious, careless or incompetent.

Claimant was also charged with violation of Rule 515 which reads as follows:

Time or wages must not be claimed on payroll, except for work actually performed by the person whose name appears on the roll and performed in accordance with agreed to rules. The actual time that each member of a crew goes on and off duty must be shown on the payroll, regardless of the assigned hours.

A formal hearing was held on March 30, 1990, and as a result, Claimant was assessed discipline of a 30 calendar day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging his suspension.

This Board has reviewed the evidence and testimony in this case and we find sufficient evidence in the record to support the finding that the Claimant was guilty of the charges.

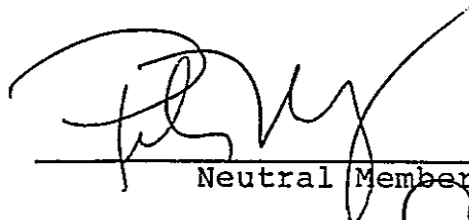
At the hearing the Claimant admitted that he did not comply with Rule 500 requiring an employee to report for duty on the dates that he was required to do so. Moreover, the Claimant admitted that he turned in time for working on the day in question in violation of Rule 515.

Once this Board has determined that there is sufficient evidence 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.

In the case at hand the Claimant was found guilty of a very serious offense and issued a thirty day suspension. This Board can find nothing unreasonable, arbitrary, or capricious about that discipline. Therefore, the claim will be denied.

Award:

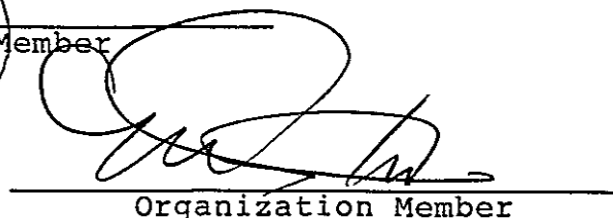
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: July 30, 1990