

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 924

Case No. 169 Award 143

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 ten (10) day actual suspension assessed Claimant A. Perkins, section foreman, was unfair, capricious, and must not stand (Organization File 9KB-4448 D; Carrier File 81-89-44).

2. Claimant Perkins shall have discipline removed from his record and be compensated for all time lost in accordance with Rule 19 (d).

FINDINGS:

Claimant A. Perkins was employed as a section foreman at the Carrier's Proviso Yard.

On December 1, 1988, Carrier notified the Claimant of the following charge:

Your responsibility for not reporting for your assignment at your starting time on November 28, 1988.

After one postponement, the hearing was held on December 12, 1988; and on December 15, 1988, the Carrier notified the Claimant that he had been found guilty of the charge and was assessed discipline of a ten-day suspension commencing December 19, 1988.

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 being late for duty on November 28, 1988. He made no attempt to advise the Carrier of the reasons for his late reporting.

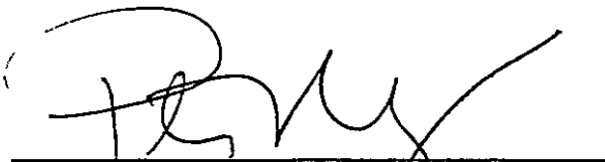
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to

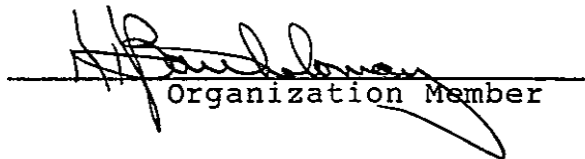
the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

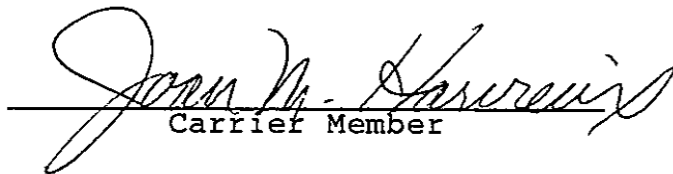
In the case at hand, the record reveals that the Claimant has received several warnings for attendance and that he had recently been suspended for five (5) days for a similar offense. Given that disciplinary history, this Board cannot find that the ten (10) day suspension issued by the Carrier was unreasonable, arbitrary, or capricious. Therefore, the claim must be denied.

AWARD:

Claim denied.


PETER R. MEYERS
Neutral Member


Organization Member


Carrier Member

Date: 12/17/90