

Award No. 1
Case No. 1

Special Board of Adjustment No. 956

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
New Jersey Transit Rail Operations

STATEMENT
OF
CLAIM:

The ten-day suspension administered to B&B Mechanic, J. A. Aronis is unjust and unsupported by evidence. Claimant Aronis shall be exonerated and paid for wages lost as result of the suspension; his record shall be cleared of any related entries.

FINDINGS:

The record contains substantial credible evidence that claimant left his place of work at 1 p.m., 2½ hours before his regular quitting time; the evidence also establishes that he left the site without permission of competent authority.

Claimant was working in a four-man gang on the day in question and assumed that one of the three other employees, Bill Capik, could give him permission to leave early. Mr. Capik "dropped" claimant off at the train station at 1 p.m. when claimant requested him to do so on the ground that he was not feeling well.

There is no evidence that claimant was actually ill that day or that any emergency warranted his leaving work at

PLB No. 956

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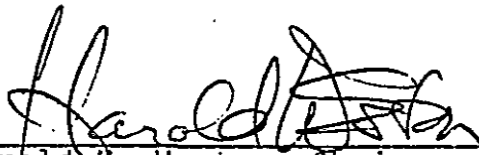

1 p.m. rather than at 3:30 p.m., his scheduled quitting time. Nor is there any proof that Mr. Capik had authority to give employees time off or that claimant had a reasonable basis for believing that he possessed that authority.

Someone had to pass on instructions to the other employees and there is no showing that there was any representation that Mechanic Capik could validly do more than that. In the absence of proof of an emergency or clear notice that Mr. Capik had supervisory authority, there was no basis for claimant to believe that he could obtain meaningful permission from Capik to leave early. We are satisfied from this record that claimant realistically was well aware of the true situation. He could have contacted Track Supervisor Hartnet to obtain the necessary permission.

AWARD:

Claim denied.

Adopted at Newark, N.J., January 28, 1985.


Harold M. Weston, Chairman
Carrier Member
Employee Member