

Special Board of Adjustment No. 956

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

Appeal from 30-day suspension assessed J. Aronis on November 1, 1983, his record to be cleared of charge brought against him on September 9, 1983 and he be compensated for all wages lost.

FINDINGS:

While on light duty and assigned to repair tools in the Red Bank M of W Building, claimant told Foreman Faillaci that he was going to the Locker Car to use the facilities.

Claimant did not return. He was located by Mr. Faillaci in the Locker Car about 1 1/2 hours after he left the work site. His explanation was that there was no work for him to do at the M of W Building and he had decided to clean up the Locker Car. Petitioner contends that the Locker Car was filthy and no one is assigned by Carrier to clean it. There is evidence that the Locker Car is less than a five minute walk from the site where claimant had been assigned to work.

No valid basis is perceived for substituting our

judgment for that of Carrier in this situation. Claimant should realize that he cannot take matters into his own hands and work where and when he chooses.

AWARD: Claim denied.

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



Harold M. Weston, Chairman


Carrier Member
Employee Member