

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13261
Docket No. 13069
98-2-95-2-94

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (International Association of Machinists and
(Aerospace Workers
(CSX Transportation, Inc. (former Chesapeake &
(Ohio Railway Company)

STATEMENT OF CLAIM:

“(1) That in violation of the current agreement, CSX Transportation arbitrarily disciplined Machinist J. J. Parilac by unjustly assessing a five (5) days actual suspension.

(2) That, accordingly, CSX Transportation be ordered to compensate Machinist J. J. Parilac five (5) days pay at the pro-rata rate of pay and that his record be cleared immediately.”

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

This matter involves the same occurrence and subsequent investigative Hearing as reviewed in Second Division Award 13260, with the identical charge to the Claimant herein. The Board therefore makes the same finding.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 18th day of May 1998.