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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6414
Docket No. 6232
2-BN-MA-'73

The Second Division consisted of the regular members and in addition Referee Irving R. Shapiro when award was rendered.

Parties to Dispute: (System Federation No. 7, Railway Employees'
(Department. AFL-CIO
((Machinists)
(
(Burlington Northern Inc.

Dispute: Claim of Employees:

1. That under the controlling agreement Lead Machinist J. D. Altobelli was unjustly suspended from service for five days on January 28, 1971, at the 14th St. Passenger Yards, Chicago, Illinois.
2. That accordingly the Burlington Northern, Inc., be ordered to compensate Lead Machinist J. D. Altobelli for all time lost during this suspension.
3. That the Carrier be ordered to clear the "Entry of Censure", and all charges connected therewith, from his personal record

Findings:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

It is axiomatic that every employe is required to be constantly on the alert while an operation is in process. This is most particularly essential when the employe is directly involved in the transaction. This is of the essence for safety of all concerned in rail transportation and the protection of property.

Claimant, by his own admission, was otherwise engaged, instead of giving his full attention to the movement of the train on which he was assigned to work. Petitioners argument concerning job duties and responsibility and otherwise seeking to excuse claimant's misfeasance does not overcome the basic and fundamental employe obligation.

This Board has reiterated time and again that having found that just cause exists for disciplinary action, we will not substitute our own judgment for that of the carrier as to the penalty imposed in the absence of a clear showing that such was arbitrary, capricious, or unreasonable. (See Award 6240 and Awards cited therein) This is not found herein.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Killean
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of January, 1973.