

The Second Division consisted of the regular members and in addition Referee Dana E. Eischen when award was rendered.

Parties to dispute: ( System Federation No. 16 (formerly System Federation  
( No. 57) Railway Employees' Department, AFL-CIO  
( (Carmen)  
( Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That under the Current Working Agreement Carman C. Williams was unjustly assessed a thirty (30) day deferred suspension on October 18, 1973, as a result of an investigation held on September 19, 1973.
2. That the Carrier be ordered to remove from Carman Williams' service record the thirty (30) day deferred suspension.

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 waived right of appearance at hearing thereon.

Claimant, C. Williams, is the carman who assisted making repairs to car TTX 478593 on August 19, 1973 at Carrier's Calumet Yard repair track, Chicago, Illinois. That car was later involved in a derailment subsequent to which Claimant was notified to report for a hearing and investigation following which he was assessed 30 days deferred suspension for improper performance of duties i.e. using a regular nut and spoiling threads on the bolts rather than using lock nuts to secure bolts on the retainer pin plates.

We have dealt with this issue in our recent Award 7001 the companion case to the instant dispute. The positions, analysis and rationale of that decision apply equally herein and the instant claim likewise is sustained.

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Award No. 7002  
Docket No. 6834  
2-N&W-CM-'76

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of February, 1976.