

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers - District No. 3
(AFL-CIO
(
(Chicago & North Western Transportation Company

Dispute: Claim of Employees:

- (a) The Chicago and North Western Transportation Company arbitrarily dismissed Machinist Thomas B. Norton, when on January 10, 1974, they held him for investigation and subsequently discharged him on January 14, 1974. The charge he was dismissed for was: "Your responsibility for failure to perform your duties in a workman like manner, specifically inspecting and releasing for service a reconditioned roller bearing on the night of January 2, 1974, in which defective and condemnable material was found by the A.A.R. Mechanical Inspector on January 3, 1974, making the bearing unsuitable for service."
- (b) In accordance to Rule #32, we request that Thomas B. Norton be restored to service with all seniority rights unimpaired, and be made whole for all time he is held out of service, including, but not limited to, health and welfare, overtime, vacation, etc.

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.

The Claimant, Machinist Thomas B. Norton, an employee with approximately 3 years of service at the time of the events in question, was dismissed from service on January 14, 1974, based on evidence brought forth at a formal investigation held on January 10, 1974, for failure to perform duties in a workmanlike manner, specifically inspecting and releasing for service a reconditioned roller bearing on

the night of January 2, 1974, in which defective and condemnable material was found. The Claimant was very ably represented at the investigation and was given the opportunity to present his case and question company witnesses. We find that the Carrier has met its burden of proof in the instant case. However, based on the narrow circumstances of the record before us, we believe that this discipline has served its purpose and that the Claimant should be reinstated to service with all seniority rights restored, but without back pay and without "overtime, vacation, etc.". Health and welfare benefits for this period is also denied as per a long line of awards.

A W A R D

Claim sustained as per Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By: Rosemarie Brasch /ae
Rosemarie Brasch - Administrative Assistant

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