

The Second Division consisted of the regular members and in addition Referee Gene T. Ritter when award was rendered.

Parties to Dispute: ( System Federation No. 16, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Carrier unjustly assessed Carman S. W. Hess a ten (10) day deferred suspension as a result of investigation on March 19, 1974.
2. That the Carrier be ordered to remove the ten (10) day deferred suspension from the personal service record of Carman S. W. Hess.

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.

This case involves Claimant's failure to report a car which the detector indicated had a hotter than normal journal, resulting in the car leaving Bellevue in an outbound train and after running only fifteen miles being set off for a hotbox. Claimant was the Carman Leader on duty whose duty it was to read and interpret the tape on the detector and report his findings to the Carman working in the yard. Claimant was charged with improper performance of his duties on March 10, 1974. As a result of the testimony received at the investigation, Carrier assessed a 10-day deferred suspension against the service record of Claimant. Under this assessment, Claimant lost no time from work. The record reveals that Claimant admitted in his testimony at the investigation that the tape on the hotbox detector reflected a hotbox indication. The record further reflects that Claimant failed to report this indication. This Board finds that Claimant should have reported the tape reading and that Carrier was justified in assessing the punishment in this instance.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

BY Rosemarie Brasch *lae*  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of November, 1976.