

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 7209
Docket No. 6972
2-C&NW-MA-'77

The Second Division consisted of the regular members and in addition Referee Martin I. Rose when award was rendered.

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
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(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. That the Chicago and North Western Transportation Company, unjustly, arbitrarily and capriciously suspended Machinist E. J. Padilla from service for a period of five (5) actual work days on May 3, 4, 5, 6 and 7, 1974.
2. That accordingly the Chicago and North Western Transportation Company be ordered to properly compensate Machinist E. J. Padilla for the five (5) days wages lost.

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.

On April 7, 1974, Claimant, an experienced machinist, was instructed to start Locomotive 272. Unbeknownst to him, a new air compressor had been applied to the unit. Claimant checked the water and the main engine oil. He did not check the oil level in the new air compressor. He started the engine and left it idling. Thereafter, it was discovered that the air compressor was substantially damaged because there was no oil in it.

Claimant was charged with responsibility for failure to see that there was sufficient oil in the new air compressor that was applied to Locomotive 272. After formal investigation, he was found guilty as charged, and the discipline in dispute under the claim was assessed.

We have reviewed the investigation record with care and find no basis to justify reversal of the Carrier's determinations. While, as suggested by Petitioner, the machinist helper may have had the duty to service the new air compressor, we cannot say that this responsibility of the machinist helper served to relieve the Claimant of his responsibilities as a machinist in connection with a check of the air compressor oil on starting the unit. The record does not indicate that the Carrier's actions were arbitrary or that the discipline assessed was excessive.

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
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 12th day of January, 1977.