

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: ( System Federation No. 109, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Consolidated Rail Corporation

Dispute: Claim of Employee:

- (a) That the Carrier violated the controlling agreement when on July 29, 1976, it assessed a five days actual suspension, August 16, 17, 18, 19 and 20, 1976, to Car Repairer David L. Knarr, ConRail Repair Facility, Reading, Pennsylvania, as a result of a hearing and investigation conducted on July 27, 1976.
- (b) That accordingly, the Carrier be ordered to compensate Car Repairer David L. Knarr the five days actual suspension plus 1-1/2 hours for attending the hearing, plus remove the five days actual suspension from his service 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 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.

The decision reached in companion Award 7870 is dispositive of this case. We find no evidence that the five (5) days suspension was improperly imposed of inconsistent with the record.

We will deny the claim.

A W A R D

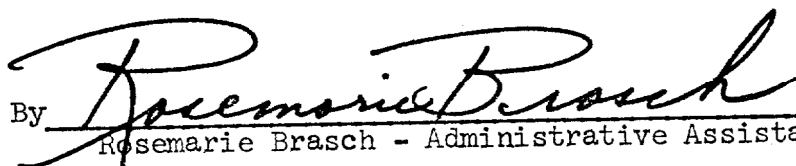
Claim denied.

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Award No. 7871  
Docket No. 7761  
2-CR-CM-'79

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 28th day of March, 1979.