

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

Parties to Dispute: (System Federation No. 7, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Burlington Northern Inc.

Dispute: Claim of Employees:

1. That in violation of the current agreement, Electrician Robert Hamaoka of Havre, Montana, was unjustly suspended from service of the Burlington Northern Inc., from April 29, 1978 through May 3, 1978, inclusive a period of 5 days.
2. That accordingly, the Carrier be ordered to compensate Electrician Hamaoka for the five (5) day suspension at pro-rata rate, the record of suspension be removed from his personal record, together with restoration of any lost vacation time, railroad retirement benefits, holidays, sick pay or hospitalization benefits and any other rights, privileges or benefits he may be entitled to under schedules, rules, agreements or laws.

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.

Robert Hamaoka, the claimant, an electrician at carrier's diesel shops in Havre, Montana, was suspended from service for five days for allegedly failing to protect his assignment on April 1, 1978. The organization contends that the claimant was not in violation of any rules of the controlling agreement. It specifically argues that Rule 16(e) is the only rule in the agreement under which the issue can be covered.

Rule 16(e) states:

"An employee detained from work on account of sickness or for any other good cause shall notify his foreman as early as possible."