

The Second Division consisted of the regular members and in addition Referee Edward M. Hogan when award was rendered.

Parties to Dispute: ( International Association of Machinists and  
( Aerospace Workers, AFL-CIO  
( Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to remove the discipline of five days suspension for the record of Machinist R. A. Keator.

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 employes 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.

Claimant was assessed a five (5) days deferred suspension following an investigation on February 4, 1980, on the charges of:

"...to develop the facts and determine your responsibility, if any, in connection with your failure to perform your assigned duties as a Machinist and for your falsification of company records by signing for work not performed during your tour of duty on January 15, 1980, Unit 2664, air compressor oil level, engine base oil, fan gear oil box level, engine lube oil filter tanks leak at gasket."

The Organization contends that there was sufficient credible evidence to support the charge, that the hearing was not fair and impartial and that the discipline imposed was not commensurate with the nature of the offense. We cannot agree. Our view of the transcript indicates that Claimant admitted to the substantive allegations of the charges.

Form 1  
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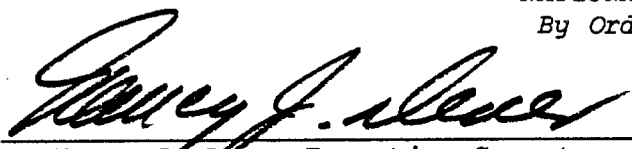
Award No. 9910  
Docket No. 9498  
2-CR-MA-'84

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST:

  
Nancy J. Dever-Executive Secretary

Dated at Chicago, Illinois, this 16th day of May, 1984