

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 10350
Docket No. 9887
2-SCL-CM-'85

The Second Division consisted of the regular members and in addition Referee W. J. Peck when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada, AFL-CIO
(
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

That the Seaboard Coast Line Railroad Company violated the controlling agreement when Carman Raymond Michael Lewis was assessed fifteen (15) days suspension commencing on September 29, 1980 and ending October 13, 1980; this was due to the fact that he would not sign a Company form relative to personal injury.

The Seaboard Coast Line Railroad Company committed a procedural defect when they utilized Master Mechanic R. D. Brigman, Jr. as accuser, hearing officer, reviewer of his own hearing record, assessor of discipline and appeals officer against Claimant R. M. Lewis.

That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate Carman Lewis for each days pay that he lost due to this violative action; further, that he receive all other benefits he would have received in a normal flow of circumstances as if he had never been suspended.

Statement:

The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to Organization in ex parte form, hearing thereon was waived, and the Division is now in receipt of a request from the employees that the case be withdrawn.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of March 1985.

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