

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 10763  
Docket No. 10888  
2-CRC-MA-'86

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

Parties to Dispute: ( International Association of Machinists and  
( Aerospace Workers  
( Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to remove the three (3) day suspension from the record of Machinist Daniel P. Wallace for alleged violation of "for your failure to perform your duties inasmuch as you failed to notify your immediate supervisor on June 5, 1982 ----" in accordance with the provisions of rule 7-A-1 (e) of the prevailing Agreement effective May 1, 1979.

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 Claimant, Daniel P. Wallace, a Machinist with the Carrier and in service since August 26, 1976, was given a three day deferred suspension as a result of an investigation held on June 1, 1982. The Claimant was charged with failure to notify his Supervisor on June 5, 1982 regarding a torsion beam being out of service which caused the Carrier to suffer undue delay to a surfacing gang on the following Monday.

The Organization argued there was no proof of wrongdoing by the Claimant. The Claimant did notify a Supervisor, Mr. C. Lorenson, the only Supervisor on the job that day; and this was appropriate action given the circumstances of this case. In addition, the Claimant was not aware of the phone number of his immediate Supervisor and was not able to contact his Supervisor as a result.

The Carrier argued that the Claimant knows how to contact his Supervisor at his home, and the record shows that he has done so in the past. The Claimant has been employed for several years and he knows better. The Claimant simply reported to the wrong Supervisor. The Claimant did call his Supervisor on June 7; however, by that time it was too late, and serious delays were caused to the SE474 surfacing gang. Also, the Claimant failed even to leave a message on the Carrier's recorder.

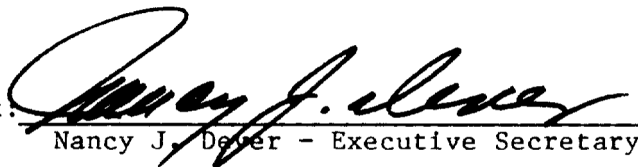
Upon complete review of the evidence presented, the Board finds that the Claimant did fail to discharge his duty in the proper manner. The Hearing conducted by the Carrier was fair and impartial, and clearly the Claimant failed to notify his Supervisor. As a result, the Carrier suffered delays that could have been avoided had the Claimant acted properly. With respect to the appropriateness of the penalty in this matter, given the circumstances of this case, the Board finds that the penalty was appropriate. Therefore, the claim will be denied.

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 26th day of February 1986.