

The Second Division consisted of the regular members and in addition Referee T. Page Sharp when award was rendered.

(International Association of Machinists and
(Aerospace Workers
Parties to Dispute: (
(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Carrier violated Rule 39 but not limited thereto of the Controlling Agreement when they improperly dismissed Machinist E. E. Konkell from service on February 29, 1984. Claimant has since been restored to service on May 29, 1984.

2. That, accordingly, the Carrier be ordered to compensate Claimant for all time lost from February 29, 1984, to May 29, 1984.

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 had been charged with a Rule G violation on April 15, 1982. On May 14, 1982 he was held to be in violation of Rule G and was dismissed from Carrier's service. He was reinstated on a leniency basis on March 15, 1983.

The Carrier determined that Claimant was not complying with the conditions of this Agreement and he was dismissed on February 29, 1984. Thereafter, the Claimant began to attend regular meetings and to take his treatment seriously. Because of this changed pattern of behavior he was again reinstated on May 29, 1984.

The Claim to this Board is for time lost between the February 29, 1984 date when he was dismissed until the May 29, 1984 date when he was reinstated.

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Award No. 10847
Docket No. 10966
2-SP-MA-'86


There was substantial evidence to support the action of the Carrier and the Claim is to 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 7th day of May 1986.