

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(
(National Railroad Passenger Corporation

Dispute: Claim of Employees:

1. The National Railroad Passenger Corporation, (Amtrak) violated Rule 24 of the schedule Agreement effective September 1, 1977, but not limited thereto, when it arbitrarily and capriciously disciplined Machinist R. Richter by assessing him a ninety (90) day, (60 actual, 30 deferred) suspension as a result of investigation held October 30, 1985.

2. Accordingly, Machinist R. Richter should be made whole for all losses resulting from the discipline with seniority unimpaired and all rights and benefits restored and his record cleared of any reference to the charge.

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.

Without passing upon the procedural issues raised, the Board finds that discipline was warranted against the Claimant. The discipline imposed by the Carrier was not arbitrary, capricious or in bad faith. The Claim will be denied.

A W A R D

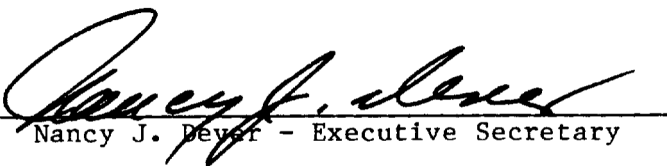
Claim denied.

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Award No. 11268
Docket No. 11297
2-NRPC-MA-'87

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 20th day of May 1987.