

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

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

Dispute: Claim of Employees:

That the National Railroad Passenger Corporation (AMTRAK) be ordered to remove the disqualification from occupying any wheel shop position assessed Machinist William Moy.

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.

The Claimant was charged with a violation of Rule of Conduct H which requires "Employes must take every precaution to guard against loss and damage to the Company property from any cause." Specifically, the Claimant was purported to have improperly opened the north door to the Wheel House when he was using the car puller causing damage to the door and car puller cable. Subsequently, the Claimant was found guilty of damaging the car puller cable and disqualified from occupying any wheel shop position.

This Board's review of the record finds the Carrier properly determined the Claimant was guilty of damaging the car puller cable. We support the Carrier's contention that it has the ultimate right to establish rules for the safe and efficient conduct of its operations. In this case, although the Claimant was guilty as charged, we find the permanent bar from occupying any wheel shop position to be excessively harsh. A very long period of time has passed, and the Board believes the punishment should have served its purpose. Therefore, we will remove the disqualification imposed.

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Award No. 11334
Docket No. 10645
2-NRPC-MA-'87

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 9th day of September 1987.