

The Second Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (
(Missouri-Kansas-Texas Railroad Company

Dispute: Claim of Employes:

1. That the Missouri-Kansas-Texas Railroad Company violated the current controlling agreement and the Railway Labor Act, as amended, when Carmen L. R. Beck was assessed a fifteen (15) day deferred suspension as the result of an unfair hearing.

2. That the Missouri-Kansas-Texas Railroad Company be required to make Carman Beck whole in this case by having this deferred suspension and all reference thereto removed from his personal record, find him innocent of all charges and compensate him for all time lost attending his hearing. This time amounts to seven (7) hours and fifteen (15) minutes pay at the proper pro rata rate.

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 is a Lead Wreckerman with a service date of November 1967. As a result of charges dated April 2, 1985, Hearing held on April 23, 1985, and by letter dated April 24, 1985, Claimant was assessed a 15 day deferred suspension for violation of General Rule D, Circular No. DP-3 for alleged negligence in the rerailling of a car on March 23, 1985.

Claimant was involved in the same incident fully discussed in Second Division Award 11355. We find nothing in this record to show that Claimant was negligent in the performance of his duties on March 23, 1985. For the

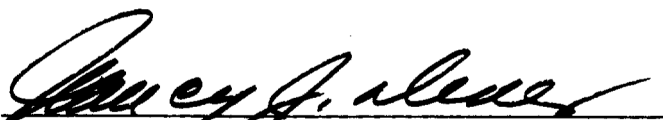
reasons set forth in that Award, we shall also require that the suspension given to Claimant herein be rescinded and expunged from Claimant's record. Similarly, for the reasons set forth in that Award, we shall deny Claimant's request for compensation for attending the Hearing.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois this 4th day of November 1987.