Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 11598
SECOND DIVISION Docket No. 11550
88-2-88-2-15

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
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(Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal of thirty (30) day suspension imposed on Avon Diesel Terminal, Indiana Electrician T. Alexander by the Consolidated Rail Corporation, effective by Notice of Discipline dated December 2, 1986.

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 was employed as an electrician at Carrier's Avon, Indiana, Diesel Terminal. Following a trial conducted on November 19, 1986, Claimant was assessed discipline of thirty days deferred suspension for:

> "Failure to properly perform your assigned duty while inspecting the traction motors of Loco. 6741 during its P.M. Inspection, August 8, 1986, as revealed by the damaged #1, #5, & #6 traction motors found November 7, 1986, at Collinwood Diesel Terminal, with excessive short brushes."

A copy of the transcript of the trial conducted on November 19, 1986, has been made a part of the record. Claimant was present throughout the trial and was represented by the Local Chairman of the Organization. We have reviewed the transcript and find that none of Claimant's substantive agreement rights was violated. While some question was raised about Claimant having additional representation, the record does not show that any formal request was made for postponement of the trial prior to its beginning, and in answer to a direct question by the conducting officer as to whether Claimant was ready to proceed, the Claimant responded "Yes."

The Local Chairman alleged a violation of Rule 6, but did not specify how he considered the rule was violated.

We find that there was substantial evidence in the trial by Carrier's Shop Manager at Avon, the Shop Manager of Collinwood Diesel Terminal, and the Training and Development Specialist for the Mechanical Department, located at Collinwood Diesel Terminal, in support of the charge against Claimant. "Substantial evidence" has been set forth by the Supreme Court of the United States as:

> "Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." (Consol. Ed. Co. vs Labor Board 305 U. S. 197, 229.)

There is evidence that the cause of the damage to the traction motors of Unit 6741 was the result of an improper inspection by Claimant during its P. M. inspection on August 8, 1986. A journeyman mechanic must take responsibility for the work performed by him. That responsibility cannot be shifted to a foreman or anyone else.

Based on our review of the entire record, we find no proper basis for interfering with the discipline imposed by the Carrier.

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 2nd day of November 1988.