

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11670
Docket No. 11435
89-2-87-2-78

The Second Division consisted of the regular members and in addition Referee Ronald L. Miller when award was rendered.

PARTIES TO DISPUTE: (International Association of Machinists and
(Aerospace Workers
(
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

1. That under the current agreement the Carrier wrongfully censured Machinist D. J. Chadd on February 26, 1987.

2. That, accordingly, the Carrier be ordered to remove said censure and all reference to same from Claimant's personal record.

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 worked from 11:59 P.M., January 27, 1986 to 7:59 A.M., January 28, 1986 as a Machinist at the Carrier's Lincoln Diesel Shop. During his tour of duty, Claimant was assigned to inspect locomotive BN 5786. He submitted a locomotive inspection report with his initials on it; the report shows that there were no defects on that locomotive. However, during the next shift, a FRA Inspector and a Carrier Foreman measured the flange on a wheel on BN 5786 and determined that it was less than 15/16 inch thick, which violated the Carrier's standard as to flange thickness. The Inspector and the Foreman also found that the left sand pipe on the locomotive was not aligned to the top of the rail.

Subsequently, Claimant was charged with violating BN Safety Rules 2 and 113. Following an Investigation, an entry of censure was placed in the Claimant's employment record.

Upon a complete review of the record of this case, we find that Claimant was provided a fair and impartial Hearing. We find no procedural basis for setting aside the discipline.

It is clear from the record that Claimant knew the Carrier's standard for minimum thickness of a wheel flange. In fact, numerous times he used a gauge to measure wheels. He also knew that the sand pipe was to be properly aligned. Nevertheless, on January 28, 1986, Claimant initialed an Inspection report indicating that there were no defects on BN 5786 when in fact there were defects. There is substantial evidence to support the conclusion that Claimant did not inspect the locomotive properly. None of the circumstances raised by Claimant, such as darkness and his not having a gauge, relieve him of his responsibility to properly carry out these routine inspections.

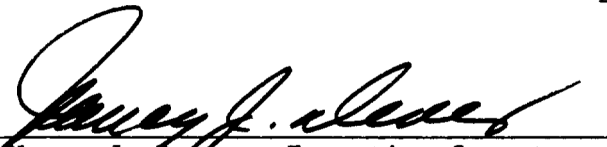
We find no basis in the record to set aside or to modify the discipline imposed by the Carrier.

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 8th day of March 1989.