

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

(International Brotherhood of Electrical Workers
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

1. That under the current Agreement, Mechanical Department Electrician L. Magana was unjustly treated when he was suspended from service for fifteen (15) days on February 11, 1988, following investigation for alleged violation of portions of Rule 801, Rule M, Rule 4087 and Rule 4051 of the General Rules and Regulations of the Southern Pacific Transportation Company (Western Lines). Said alleged violations occurring on October 28, 1987 and November 18, 1987.

2. That accordingly, the Southern Pacific Transportation Company be ordered to compensate Electrician L. Magana for fifteen (15) days lost wages, with all rights unimpaired, including service and seniority, loss of wages, vacation, payment of hospital and medical insurance, group disability insurance, railroad retirement contributions and the loss of wages to include interest at the rate of ten percent (10%) per annum.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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 suspended from service for fifteen days on February 11, 1988, following Investigation for alleged violation of Carrier's Rules 801, M, 4087 and 4051 of the General Rules and Regulations, the alleged violations occurring on October 28 and November 18, 1987.

The record shows Claimant had been employed as an Electrician by the Carrier since September 24, 1962. On October 28, 1987, Claimant reported a personal injury to his left shoulder and on November 18, 1987, reported an injury to his right index finger.

The Rules involved are recorded in the record and will not be repeated here.


The Board does not find sufficient evidence in the record in support of the charges against Claimant. The Claim will be sustained, but we find no proper basis for the claim for 10 percent interest.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest.


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 24th day of January 1990.