

The Second Division consisted of the regular members and in addition Referee Joseph S. Cannavo, Jr. when award was rendered.

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

STATEMENT OF CLAIM:

1. That the Consolidated Rail Corporation (Conrail) violated the current agreement when on January 20 and 28, 1988 Electrician M. C. Drewett was not afforded a fair and impartial hearing at Enola, Pennsylvania.

2. That the Consolidated Rail Corporation (Conrail) violated the current agreement when on March 28, 1988 Electrician M. C. Drewett was improperly suspended for thirty-five (35) days (time out of service) at Enola Locomotive Terminal, Enola, Pennsylvania.

3. That Electrician M. C. Drewett be compensated for all lost wages, rights and benefits account of the improper suspension, to be made whole and the records cleared.

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 were given due notice of hearing thereon.

The Claimant was employed as a Maintenance Electrician at the Carrier's Enola Locomotive Terminal, Enola, PA. On December 15, 1987, the Claimant sustained an injury while removing a bindicator allegedly because he did not first bleed the air out of the bindicator. Consequently, Claimant was sent a Notice of Trial, which trial was held on January 20, 1988. The Claimant was charged with: 1) being accident prone; and 2) failure to safely perform his assigned duties. Following the trial, Claimant was notified that he was "dismissed in all capacities." Appeal of the discipline was made to the Manager - Labor Relations on February 29, 1988. On March 28, 1988, the Manager removed the first charge but found that the Claimant was guilty of the second charge. He modified the dismissal to a 35 day suspension.

The thirty-five day suspension was for the Claimant's alleged negligence that caused an injury without lost time. This Board adopts the long standing principle that discipline should be corrective and not punitive. Considering the minor consequence of the Claimant's action, the Carrier's response should have been instruction, not suspension.

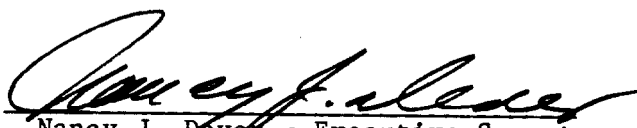
Upon our review of the record, the Claim is sustained. The Claimant is to be made whole for all lost wages and benefits incurred by the suspension.

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 6th day of June 1990.