

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12412
Docket No. 12421
92-2-91-2-226

The Second Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: ((International Brotherhood of Electrical Workers
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

1. That the Union Pacific Railroad Company is violative of Rule 22, 37 and Ruling 19 but not limited to, of the controlling agreement effective November 1, 1976, and has dealt unjustly with the damaged Electrician J. D. Loyd at Sale Lake City, Utah, when they discriminated against him when unable to return to work account of being under doctor's care. The Carrier did not afford him a fair and impartial investigation and assessed discipline of thirty days (30) deferred suspension by letter dated January 16, 1991.

2. That accordingly, the Union Pacific Railroad Company be ordered to expunge thirty days (30) deferred suspension from J. D. Loyd's 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.

This dispute has been settled as part of an overall settlement of a personal injury lawsuit brought by Claimant against the Carrier. The settlement language reads in pertinent part: "I release and forever discharge the Union Pacific RR Company from all claims and liabilities arising under any and all collective bargaining agreements, mergers or other protective agreements or arrangements. It is understood that I will be retained on the roster as a permanently disabled employee without rights to return to active service...."

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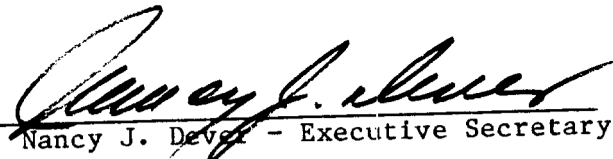
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A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of August 1992.