

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 13029
Docket No. 12961
96-2-94-2-122

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

(International Association of Machinists
(and Aerospace Workers
PARTIES TO DISPUTE: (
(Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

- "1. That the Atchison, Topeka and Santa Fe Railway Company (hereinafter referred to as the 'Carrier') violated Rule 40 (a), as amended, of the Controlling Agreement, Form 2640-Std., between the Atchison, Topeka and Santa Fe Railway Company and its employees represented by the International Association of Machinists and Aerospace Workers (hereinafter referred to as the 'Organization') when they unjustly issued a 15 day deferred suspension to Amarillo, Texas Machinist, P. Escamilla (hereinafter referred to as 'Claimant') for an alleged violation of certain Safety and General Rules in connection with a Locomotive derailment.
2. Accordingly, we request that the Claimant be exonerated in this matter and that his personal record be expunged of all reference to his alleged rule violations. Furthermore, if this suspension resulted in any loss of wages or other benefits to the Claimant, that he be made whole for such loss.

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 employee 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 facts of the instant case are not in dispute. At the time of the incident giving rise to this case, Claimant was assigned to the Carrier's facility at Amarillo, Texas. On September 12, 1993, during the course of his duties, Claimant was required to move two locomotives onto the turntable. The locomotives were "dead", which required that Claimant charge the locomotive air brake system. Claimant admitted at the Investigation that he charged the system only to 80 or 90 PSI, rather than the necessary operating pressure of 120 to 130 PSI. When Claimant attempted to stop the lead locomotive at the direction of the Laborer with whom he was working, one of its wheels left the rail of the turntable. When the equipment supervisor arrived to investigate the incident, Claimant accepted full responsibility for the failure of the locomotive to stop. It is unrefuted on the record that the locomotive sustained no damage, and that the only apparent result of the event was slight damage to the handrail of the turntable.

In light of Claimant's admission of responsibility, he was assessed a fifteen day deferred suspension. The Board commends Claimant's for his honesty in the circumstances, particularly since the minor damage might have gone unnoticed but for his admirable candor. In view of his admission, however, the Board must leave Carrier's discipline undisturbed.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 21st day of August 1996.