

Award No. 6222

Docket No. 6028

2-C&O-MA-'71

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee David Dolnick when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Chesapeake District)**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement Machinist H. R. Davis, Jr. was unjustly given a ten (10) day overhead suspension and placed on six (6) months' probation.

2. That accordingly the Carrier be ordered to clear the service record of H. R. Davis, Jr. in connection with this charge.

EMPLOYEES' STATEMENT OF FACTS: Machinist H. R. Davis, Jr., hereinafter referred to as the claimant, was employed by the Chesapeake & Ohio Railroad, hereinafter referred to as the carrier, for a period of six (6) years and one (1) month in the carrier's shop at Huntington, West Virginia, on the first shift, 7:00 A. M. to 3:30 P. M. Monday through Friday, rest days Saturday and Sunday.

The carrier, represented by Mr. D. W. Walker, Shop Superintendent, Huntington Shops, notified claimant under date of March 10, 1969 to attend an investigation to be held in Production Manager's office at Huntington Shop at 9:00 A. M., March 25, 1969; however, this date was by mutual agreement changed to April 16, 1969 at 8:30 A. M. on the following charge:

"You are charged with failure to properly perform your duties as machinist on March 5, 6 and 7, 1969, while assigned to diesel cylinder head reclamation work in the Power Assembly Gang by reason of the fact that on these days your output was as follows:

Wednesday, March 5, 1969 - 7 cylinder heads

Thursday, March 6, 1969 - 8 cylinder heads

Friday, March 7, 1969 - 8 cylinder heads

which is not sufficient output for an eight-hour tour of duty."

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 employe 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 facts, the investigation, and the penalty in this case are identical with that adjudicated in Award No. 6220.

The findings in Award No. 6220 are applicable here and are affirmed. For the reasons stated in said Award No. 6220, it is the finding of the Board that the claim has no merit.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of December, 1971.