

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: ( System Federation No. 96, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( R. C. Haldeman, Trustee of the Property of  
( Lehigh Valley Railroad Company, Debtor

Dispute: Claim of Employees:

That within the meaning of the controlling agreement, particularly Rule 37, Carman T. Miller, Sr. was unjustly dealt with when he was disciplined to the extent of five (5) days suspension beginning July 22, 1974.

That accordingly Carman T. Miller, Sr. be compensated five (5) days wages at his applicable rate of pay for the dates suspended and that his service record be cleared accordingly.

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 waived right of appearance at hearing thereon.

Claimant was suspended for five days after hearing and investigation regarding his failure to take the necessary precautions in avoiding a fire.

After review of the record in this dispute, the Board finds no basis for reversing the action taken by Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 6th day of January, 1978.