

The Second Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

Parties to Dispute: { International Association of Machinists and
Aerospace Workers
{ Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That under the current Agreement Machinist D. A. Gonzales (hereinafter referred to as Claimant) was improperly suspended from service on June 30, 1978, and subsequently dismissed on July 14, 1978.
2. That, accordingly, the Carrier be ordered to compensate Claimant for all wage loss from June 30, 1978, to date of restoration to service on February 22, 1979.

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.

On June 29, 1978, Claimant was working as a machinist in the Injector Room, AB Shop, of Carrier's Sacramento, California, Heavy Maintenance Plant, hours of assignment 3:30 P.M. to 12:00 M. At approximately 8:10 P.M. the Claimant's foreman suspected he might be ill and ordered the Claimant to go home. When Claimant was departing the property approximately 9:00 P.M., he lost control of his automobile and collided with four other automobiles parked in the Carrier's parking lot. Claimant then departed the scene of the accident, later telephoning his supervisor and admitting responsibility. The Claimant was withheld from service the following date pending a formal hearing.

A formal hearing was held July 7, 1978. As a result of evidence adduced which established Claimant's responsibility for carelessness for the safety of himself and others, he was suspended from service July 14, 1978.

Claimant returned to service February 22, 1979.

Claimant's accident may be described as simple carelessness; leaving the scene as he did makes him vulnerable for more serious criticism. Based on the record we can only conclude that suspension assessed was proper.

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 24th day of February, 1982.