

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

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada  
( Boston and Maine Corporation

Dispute: Claim of Employees:

1. That under the terms of Rule No. 31 of the current Agreement, Upgraded Carman-Helper K. M. Cronin (hereinafter referred to as the Claimant) was unjustly suspended and held out of service of the Boston and Maine Corp. (hereinafter referred to as the Carrier) from February 20, 1981 to February 26, 1981, both dates inclusive, and was improperly assessed 12 Demerits as additional discipline.
2. That accordingly, the Carrier be ordered to compensate the Claimant for five (5) days at the carmen's straight time rate of pay for the time lost and remove the 12 demerits from the Claimants service 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 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.

The Claimant was notified to attend a hearing to determine the facts in connection with a charge that he had improperly inspected a journal box on February 20, 1981. The journal box in question subsequently overheated and, as a result thereof, completely burned out. Following the incident on February 20, 1981, the Claimant was held out of service for five (5) days. The Organization contends that the Claimant was withheld from service without sufficient cause and that the discipline of 12 demerits, assessed after the hearing, was improper.

Under any reasonable standard, failure to properly perform a required inspection of a journal box is a very serious offense. In the instant case, Carrier, prior to the incident under dispute, had issued two special instructions relative to the inspection of friction bearings on tank cars. The Claimant failed to properly perform his duties even after he had been specifically notified to pay particular attention to the journal boxes.

The authority to take an employee out of service after the occurrence of a serious offense, when a prima facie case of wrongdoing has been established, pending the final determination of the specific charge, is clear. Certainly, the seriousness

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Award No. 9571  
Docket No. 9780  
2-B&M-CM-'83

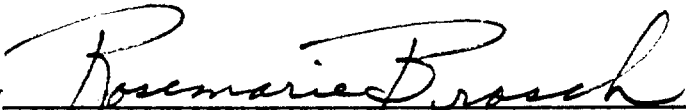
of the incident is not in question and the record indicates that a fair and proper investigation was held. The claim is therefore denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of July, 1983.