

The Second Division consisted of the regular members and in addition Referee Raymond E. McAlpin when award was rendered.

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

Dispute: Claim of Employees:

1. That the Carrier improperly suspended Leslie S. Lewis (hereinafter referred to as Claimant) from service on April 10, 1983 to and including April 21, 1983, a period of ten (10) days.
2. That, accordingly, the Carrier be ordered to rescind suspension and compensate Claimant for all wage loss resulting therefrom.

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 employees 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, Leslie S. Lewis, was given a ten day actual suspension as a result of an investigation conducted on March 4, 1983. The Claimant was a Machinist assigned to the Carrier's Ogden Shop and in service for a period of twelve years.

The Claimant is charged with failure to properly carry out his assignment, specifically, the failure of wick lubricators on Unit 8384, which caused the Carrier to replace two of six wheel assemblies at a cost of \$7,200.00. The Claimant had signed the Carrier's form indicating that the unit was ready to be placed in service.

The Organization argued that the failures occurred 25 days after the work was performed and the unit had completed numerous trips and it could have been tampered with. It further argued that the Carrier's procedures were defective and that the turnover report indicated that the work had been completed. The Carrier responded that the turnover report stated that the wick units were set in. There was no indication that the bolts had not been properly torqued. The Carrier further noted that the Claimant signed for the work and if the bolts had been properly torqued, they would not have fallen out, causing the damage to the unit. The Organization countered that the failure of the unit cannot be directly tied to the Claimant's work, and that the Claimant was the victim of poor instructions by his Supervisor. Finally, the Carrier argued that the penalty was appropriate in this case, had this defect not been caught at the Carrier's Los Angeles inspection point, it could have resulted in a derailment.

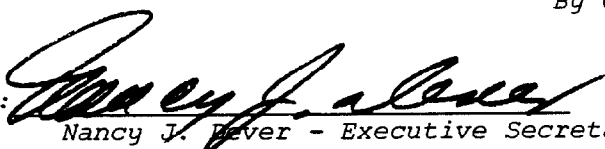
The Claimant is charged with a serious dereliction of duty. It is his responsibility to check the work for which he has signed. Therefore, the Board, after careful review of the evidence presented, finds that the investigation was properly held and no evidence was presented that would allow the Board to substitute its judgment for that of the Carrier. The record does contain substantial evidence to support the charge and the discipline assessed is reasonable in light of that proven charge.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 4th day of September 1985.