

The Second Division consisted of the regular members and in addition Referee W. J. Peck when award was rendered.

(International Association of Machinists and
(Aerospace Workers
Parties to Dispute: (
(The Atchison, Topeka and Santa Fe Railway Company

Dispute: Claim of Employees:

That the Carrier inserted into Machinist W. E. Gilmore (hereinafter referred to as Claimant) Personal Record, letter which is accusatory in nature.

That the Carrier is in violation of Rule 40(a) of Form 2642-A Standard, controlling Agreement.

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 employes 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 involved in this dispute is a Machinist employed in Carrier's Traction Motor Shop at San Bernardino, California. His job consisted primarily of doing certain repair and rebuild work on locomotive traction motors. On December 29, 1980, Claimant performed machine work on Traction Motor, Serial No. 51-AS-620, which subsequently failed, apparently on date of January 10, 1981. On date of January 23, 1981, the following letter was sent the Claimant:

"Dear Sir:

"On December 29, 1980, you performed machine work on the pinion end bore housing bore face of Traction Motor Serial No. 51-A-620 because an inspection had shown this face to have run out of .021.

"After the machine work was completed, the traction motor was assembled and shipped to Barstow, where it was applied to D-5545, No. 5 Position, on January 4, 1981. D-5545 returned to Barstow on January 10, 1981, with a failed pinion end armature bearing on Traction Motor No. 51-A-620. On inbound inspection it was found that the pinion end face run out was .032, which is .011 greater than it was before you machined it.

"It is our opinion that this excessive pinion end bore face run out was the primary cause of premature bearing failure.

"The Santa Fe Railroad cannot tolerate workmanship that will cause this type of expensive locomotive failure.

"If you feel that you need further instruction in order to properly perform your duties, please feel free to contact this office."

A copy of this letter was placed in the Claimant's personal record file.

The Employes contend that:

1. The letter is accusatory in nature.
2. That the Carrier is in violation of Rule 40(a) of the Controlling Agreement.
3. That the letter should be removed from the Claimant's personal record.

The Carrier denies these Employe contentions and in return contends that:

1. Claimant improperly performed machine work on a traction motor that failed in service.
2. The Carrier cannot tolerate workmanship that will cause expensive failures to it's equipment.
3. The Carrier would assist or instruct him, if needed, in order that he may perform his duties in a proper manner to avoid similar occurrences in the future.

Both sides claim that previous decisions of this Board support their position.

We have reviewed the record and the facts as well as the Awards cited and are unable to conclude that Carrier has in any way violated the Rules. They did advise the Claimant that "in their opinion" this was the cause of the traction motor failure. Carrier can hardly be precluded from venturing an opinion on their Employes.

A W A R D


Claim denied.

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Award No. 10588
Docket No. 9875
2-ATSF-MA-'85

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of September 1985.