

The Second Division consisted of the regular members and in addition Referee James R. Cox when award was rendered.

(International Association of Machinists and Aerospace  
Workers)

Parties to Dispute: (  
(Union Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Carrier improperly assessed a thirty (30) day deferred suspension to Machinist J. L. Eckman's (hereinafter referred to as Claimant) personal record.

2. That, accordingly, the Carrier by (sic) ordered to remove the thirty (30) day deferred suspension from Claimant's personal 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 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 Organization contends that the Carrier improperly assessed a thirty day deferred suspension on Machinist J. L. Eckman for improperly failing to inspect Unit 3764 October 6, 1982 and allowing the Unit to be dispatched with wheel flanges less than 15/16 inches in thickness. The thin flanges were detected in Los Angeles, California approximately 900 miles from the Salt Lake City Yard where Claimant worked. The only defect which had been noted by Claimant was "brakeman's seat loose". Claimant stated he had measured the wheel and that his reading indicated that the wheel might need additional attention. Claimant testified that, based on his observations, that there was some flange wear but that he failed to report it.

Claimant also stated that he had lost his flange thickness gauge and although his Foreman had told him that he could use his if needed, there was no indication that he asked the Foreman to borrow it on the day in question.


The evidence does establish that Claimant was the sole person responsible for the proper inspection of the wheels on Unit 3764. The reading he took and his acknowledgement that flange wear was present required him to ask for the wheel defect gauge to determine whether the flanges were condemnable. He should have reported this condition. The discipline was properly assessed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1986.