

The Second Division consisted of the regular members and in addition Referee Leonard K. Hall when award was rendered.

(International Association of Machinists and
(Aerospace Workers
Parties to Dispute: (
(Indiana Harbor Belt Railroad Company

Dispute: Claim of Employee:

1. That the Indiana Harbor Belt Railroad Company be ordered to reimburse Machinist J. Clemens for ten days pay, at the prevailing Machinist rate of pay for the ten days actual suspension served and have it removed from his service record in accordance with rule 36.
2. That the Indiana Harbor Belt Railroad Company be ordered to remove the ten day record suspension from the service record of Machinist J. Clemens in accordance with Rule 36.
3. The Agreement effective January 1, 1947 is Controlling.

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.

On October 4, 1983, the Claimant and his co-worker were notified that an Investigation would be held on October 13 in order for them to answer a charge that an improper inspection of the repair to IHB Locomotive Unit 9211 was made on September 19, 1983, resulting in loss of the #3 axle. They were advised that their past records would be reviewed.

On September 28, 1983, the Locomotive Engineer reported on arrival at Blue Island (Chicago) that he had to cut out the #2 truck because it was smoking badly. The Terminal Foreman at that location inspected the locomotive and determined that the axle was scored and discolored. The Terminal Foreman had a Machinist at Blue Island fill the boxes with oil, apply the old wicks, shut the unit down, isolate it and tag it for a dead move to the Carrier's Gibson repair facilities where additional inspections were made.

The Terminal Foreman testified that the failure of the axle was due to lack of lubrication in the #3 journal boxes. He further stated that the wick covers had not been removed for he had to tap the wicks themselves to break the seals, indicating they had not been removed during the September 19 inspection.

At the repair facility, two more Foremen, each with more than twenty years of experience, testified that their inspection of the axle disclosed that the failure was caused by lack of lubrication.

All three of the Foremen were from the ranks of Machinists and from their testimony they were well qualified to make a judgment on locomotive inspection procedures.

When the Claimant was asked how he could account for the failure, he responded that he had no idea. When asked why he did not sign the item of the inspection report under the caption suspension bearing and journal boxes, he responded that it was an oversight.

The Carrier concluded that the Claimant was at fault and as a result, he was given a ten day actual suspension and a ten day record suspension. The co-worker was found not responsible for inspection of the items involved.

We find that there is sufficient evidence presented to enable the Carrier to conclude that the Claimant was negligent. Although the major portion of the evidence is circumstantial, it was nevertheless persuasive enough to justify suspending the Claimant in accordance with the notice of discipline.

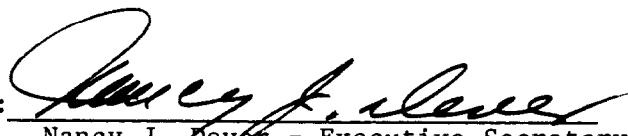
The Board finds that the charges against the Claimant were proven. The record does not reveal any conduct on the part of the Carrier which could be successfully considered arbitrary, capricious or an abuse of discretion.

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 25th day of June 1986.