

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: (
(Southern Railway Company

Dispute: Claim of Employees:

1. That the Southern Railway Company violated the controlling Agreement, Rules 34 and 35, but not limited thereto, when they unjustly suspended Machinist D. A. Duggan, Chattanooga, TN., from service without pay for (30) thirty calendar days beginning at 3:00 PM Friday March 30, 1984 and ending at 3:00 PM Sunday, April 29, 1984.

2. That accordingly, the Southern Railway Company be ordered to pay Machinist D. A. Duggan for all lost time wages, with all rights unimpaired and clear his record of the charge.

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 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 were given due notice of hearing thereon.

The Carrier maintains an Assembly Shop at Chattanooga, Tennessee, employing various Shop Craft Mechanics including Machinists. Claimant is employed as a Machinist at the Chattanooga Shop, he is also a Machinist Inspector whose duties include checking the work performance of other Machinists.

On date of March 7, 1984 Locomotive Number 3278 was overhauled at the System Assembly Shop. Claimant performed that part of the load test inspection which included making a crankcase inspection, checking pee pipes, baskets and bolts, main bearing nuts, etc. Later the Unit was moved to the Diesel Shop for routine maintenance and inspection where it was found what is called

"a bottom basket bolt" was missing. Apparently this was a critical defect so the locomotive was moved back to the Assembly Shop where the bolt was found in the crankcase. It was also noted that a washer was missing from another bolt. Tests indicated that the nut on the missing bolt had not been properly tightened and had come off as the engine was load tested which would be prior to the Claimant's inspection.

A preliminary Hearing was held on March 16, 1984 wherein the Claimant was charged with failure to properly perform his duties in making a crankcase inspection on Locomotive 3278. At the conclusion of the Hearing the Claimant was advised that he was being assessed a ten calendar day suspension from service. Under the Schedule Rules of this Carrier the Claimant did have the right to, and did request a formal Investigation, and the discipline was held in abeyance pending the result of that Investigation. The Investigation was held on March 23, 1984, and on March 30, 1984, the Claimant was advised that his suspension without pay had been changed from a ten day suspension to a thirty day suspension, which is the Carrier's right under the applicable Schedule Rules on this Carrier.

During the Investigation it was definitely brought out that the Claimant did make the crankcase inspection and should have noticed the missing washer and the missing bolt if indeed it was missing at the time he made the inspection. The Employees contend that someone must have sabotaged the engine by removing the bolt, putting a worn one in and leaving with the nut. In regards to this we note the following testimony, where the Hearing Officer questions Assistant Superintendent W. M. Love:

"Q. All right now one of the possibilities that has been stated here is that somebody took the bolt out and left..and possibly left with the nut, in that you didn't find the nut.

"A. Yes, Sir.

"Q. In order to sabotage that engine in that manner. Take..you would have to take the cover off of the engine, is that correct?

"A. Yes, you would have to take off the crankcase door.

"Q. Then you would have to loosen the nut and run the engine, is that correct?

"A. Yes, Sir. That particular number sixteen, the nut was on the starter motor side, and in order to get in there with a wrench, you could get in there with a socket, but to do it properly with a basket wrench you would have to take the starter motor cover off, to even get the basket wrench in there. That starter motor cover....

"Q. Irregardless of how you did it, you would have to go into that engine, loosen a nut up, run the engine, and then take the nut off.

"A. Yes, Sir.

"Q. Which would mean you would have to come back later and take the nut off, is that correct?

"A. Yes, Sir. It would have to be run with the nut on it, otherwise it would have gauled the threads, wore the threads all of the way to the end, and then remove the nut, then cover the engine back up."

The possibility of someone using such a complicated procedure to sabotage a diesel locomotive, even if anyone had any desire to do it, which has certainly not been shown. The possibility of doing this in a busy Railroad Shop with many employes plus Supervisors without someone seeing it is so remote it is simply unbelievable, yet this is the only real defense the Employes make. We have no choice in this case but to rule that the Claimant did not make a thorough and proper inspection and that Carrier was justified in applying discipline. We also note that the Machinist who apparently made this faulty installation received only a fifteen day suspension, which he did not protest. For an employe making a faulty installation to receive only a fifteen day suspension and another employe who merely made a visual inspection of that installation to receive a thirty day suspension seems much out of line. We will accordingly reduce the Claimant's suspension to fifteen days, other than that we will not disturb the discipline.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 1st day of October 1986.