

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

(International Association of Machinists and Aerospace
Workers)

Parties to Dispute: (

(National Railroad Passenger Corporation (Amtrak)

Dispute: Claim of Employees:

1. The National Railroad Passenger Corporation, (Amtrak) violated Rule 24 of the schedule Agreement effective September 1, 1977, but not limited thereto, when it arbitrarily and capriciously disciplined Machinist R. Richter by assessing him a forty-five (45) day actual suspension as a result of investigation held on April 17, 1985

2. Accordingly, Machinist Richter should be made whole for all losses as a result of the discipline, have all rights and benefits restored and his record cleared of any reference to 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 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.

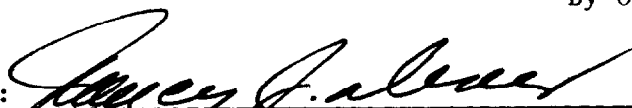
Without passing upon the procedural issues raised, the Board finds that discipline was warranted against the Claimant. The discipline imposed by the Carrier was not arbitrary, capricious or in bad faith. The Claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 20th day of May 1987.