

The Second Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(International Association of Machinists and Aerospace
(Workers

PARTIES TO DISPUTE: (

(Burlington Northern Railroad Company

STATEMENT OF COMPLAINT:

1. That under the controlling Agreement and the Burlington Northern Railroad (Carrier) schedule of rules, the Carrier wrongfully suspended Machinists J. Navarro and G. Harkey from service for ten (10) days commencing January 31, 1986.

2. That, accordingly the Carrier compensate both Machinists for all wages lost and remove all reference to this discipline instance from their personal records.

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 waived right of appearance at hearing thereon.

Claimants are machinists at the Carrier's Clyde Diesel Shop in Cicero, Illinois. As a result of charges dated January 6, 1986, investigation held on January 17, 1986 and by letters dated January 31, 1986, Claimants were suspended for ten days for alleged failure to be alert and attentive while replacing head liner piston and rod which caused crank shaft damage to a locomotive.

On January 3, 1986, Claimants reinstalled power assemblies L-1, L-3 and R-1 on Locomotive 4046. On January 5, 1986, the locomotive was started up but it shut off after approximately five to seven minutes. Inspection at that point revealed the Nos. 1 and 3 con-rod bands were extra hot. Although Claimants assert that they properly installed the master rod caps, further

inspection on January 6, 1986 revealed that the Nos. 1 and 3 master rod caps that were worked on by Claimants on January 3, 1986 had been interchanged which resulted in damage to the crank shaft because of overheated bearings. As a result, repairs could not be performed locally and the engine had to be sent to a back shop for repair.

We find substantial evidence in the record to support the Carrier's conclusion that Claimants violated Rule 570 which requires employees to be alert and attentive. The record shows that on January 3, 1986, Claimants worked on the power assemblies in question. Later inspection demonstrated that after completion of their work the master rod caps were mismatched. That mismatch caused the damage to the crank shaft. Although Claimants contend that they properly matched the caps, under the substantial evidence standard, the fact of the subsequently discovered mismatch and the lack of evidence satisfactorily demonstrating that someone other than Claimants worked on the same caps prior to the malfunction are sufficient to refute Claimants' assertions that the work was properly performed. By failing to properly match the master rod caps, Claimants were not alert and attentive to their duties as required by the rule.


The fact that other employees also may have worked on the locomotive does not defeat the Carrier's showing. The record adequately shows that those employees did not work on the power assemblies worked on by Claimants prior to the time of the malfunction. Further, the fact that a supervisor inspected the work and may not have seen the mismatched master rod caps does not change the result since the responsibility to properly match the rod caps belonged to Claimants. Finally, we are unable to find that a ten day suspension was either arbitrary or capricious.

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 31st day of August 1988.