

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 11818  
Docket No. 11675  
90-2-88-2-187

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers  
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

1. That in violation of the current Agreement, System Electrician L. V. Doney was untimely and unjustly suspended from the service of the Burlington Northern Railroad for a period of thirty (30) days, September 11 through and including October 10, 1987, following an unfair investigation held on September 23, 1987.

2. That the investigation held on September 23, 1987 was not a fair and impartial hearing as required by Rule 30(a) of the controlling Agreement.

3. That the Notice of Investigation failed to apprise Claimant of all the charges against him as required by Rule 30 (c) of the Agreement.

4. That accordingly, the Burlington Northern Railroad be ordered to compensate Electrician Doney for all wages, benefits, rights and privileges he is entitled to under applicable laws, Rules or Agreements that were lost or adversely affected by the thirty (30) day suspension. That the Burlington Northern Railroad also remove all record of the subject investigation and assessed discipline from Electrician Doney'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 record shows that at the time of the occurrence involved Claimant was employed by the Carrier as an Electrician in the Seattle, Washington, area.

After proper notice to attend an Investigation on September 23, 1987, Claimant was assessed discipline of thirty days suspension, effective September, 1987.


Upon review of the entire record, the Board finds that none of Claimant's Agreement rights was violated; that the Investigation was properly conducted and that the discipline imposed by the Carrier was not excessive, arbitrary or in bad faith. We find and hold that the Claim must be denied.

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 24th day of January 1990.