

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  
(Northeast Illinois Railroad Corporation

STATEMENT OF CLAIM:

1. That the Northeast Illinois Railroad Corporation violated the current agreement when it unjustly and unfairly suspended Electrician A. Witczak from service for seven (7) days on November 6, 1987.

2. That the Northeast Illinois Railroad Corporation be ordered to compensate Electrician A. Witczak for all lost wages and benefits, and expunge the record in connection with this matter.

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 Claimant was regularly assigned as an Electrician at Carrier's Western Avenue Coach Yard.

On October 7, 1987, Claimant and a Carman were notified to attend a formal Hearing scheduled for October 15, 1987, for alleged violation of Rules L and N of Carrier's Employee Conduct Procedure. The Rules cited are set forth in the record and will not be repeated here. Following the Hearing, Claimant was suspended from service for seven days on November 6, 1987.

We find that the investigation was properly conducted and that none of Claimant's Agreement rights was violated. However, we do not find the substantial evidence required by the Carrier to support the discipline imposed. See Second Division Award No. 11767 involving the Carman and the same incident.

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Award No. 11820  
Docket No. 11679  
90-2-88-2-165

A W A R D

Claim sustained.

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.