

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13372

Docket No. 13246

99-2-97-2-10

The Second Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

(International Brotherhood of Electrical Workers
(System Council No. 16

PARTIES TO DISPUTE: (

(Burlington Northern Railroad

STATEMENT OF CLAIM:

- “1. That in violation of the controlling Agreement, Rule 35 in particular, Mechanical Department Electrician Herman Ward was unjustly suspended from the service of the Burlington Northern Railroad for a period of fifteen (15) days and the entry of investigation and discipline assessed into his personal record as a result of an unfair and heavily biased investigation held on July 7, 1995;
2. That the investigation conducted was not fair and impartial as required by the controlling Agreement, and;
3. That the Burlington Northern Railroad Company should be directed to make Electrician Herman Ward whole for all wages, rights, benefits and privileges which have been denied him and in addition, the entry of investigation and discipline assessed against him to be removed from his 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 employee or employees involved in this dispute are respectively carrier and employee 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.

Carrier suspended the Claimant on July 13, 1995 for a period of 15 days as a result of a formal Investigation held on July 7, 1995. Carrier found that Claimant failed to perform all of the duties assigned on June 26, 1995. The Claimant allegedly failed to connect the communications cable between the locomotive 196 and car 786. As a result the commuter train was run without an operating PA system.

A review of the transcript of the Investigation reveals that the Claimant did not connect the communication cable. Claimant admitted the work was part of the work assigned to him.

Failure to connect all cables on a commuter train can lead to disastrous results, although nothing adverse occurred in this case.

The Carrier has proven the Claimant failed to perform the work assigned. There is no basis to change the action of the Carrier in this case.

AWARD

Claim denied.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 10th day of March 1999.