

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13515

Docket No. 13422

00-2-99-2-15

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

(International Association of Machinists and Aerospace
Workers)

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM:

“Consolidated Rail Corporation arbitrarily and capriciously assessed Machinist S. M. Becker thirty (30) days suspension per Rule 6-A-4 (b) (1), following trial held on January 22, 1998. (Thirty days deferred suspension)

Accordingly, Machinist S. M. Becker should have his record cleared of any reference to the charges, as if the unjust discipline had not been imposed, and removal of the thirty (30) days deferred suspension.”

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.

The facts in this case are identical to the facts set forth in Second Division Award 13513 the only difference being the Claimant smashed the clock in a vice, a fact he readily admitted.

What is said in Second Division Award 13513 regarding the meeting with supervision is applicable to this dispute.

The Claimant, at the time of the Investigation, had a disciplinary-free five year relationship with the Carrier. The discipline will be reduced to a record entry containing reference only to Rule 4012(d).

If Claimant has lost any time because of the discipline assessed in this dispute, he is to be compensated therefore as provided in the Schedule Agreement.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 15th day of May, 2000.