

Award No. 10727

Docket No. MW-9471

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert J. Ables, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

READING COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it suspended Crane Operator C. E. Schaeffer for five days because of alleged violation of Rule 104; claimant having never been charged with a violation of Rule 104 but having been charged with running through switch on the old Harrisburg track leading to Pennsylvania R.R. connection and found to be blameless of such charge.

(2) Crane Operator C. E. Schaeffer be reimbursed for the monetary loss suffered account of said improper suspension and his record be cleared in conformance with the provisions of the second paragraph of Rule 37(b).

OPINION OF BOARD: The question is whether the entry of 5 days actual suspension shall be expunged from the claimant's record and reimbursement made for the period because he was found, after investigation and hearing, to have fouled the track at a switch, which later resulted in the derailment of an engine and one car, rather than having run through a switch, as charged.

Crane Operator Schaeffer knew who was to be at the hearing, where, when and why it was being held, and what it was all about. He admitted he got a fair hearing. He did get a fair hearing. Claim denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That the Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 3rd day of August 1962.