

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25393  
Docket Number CL-24865

Rodney E. Dennis, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees

PARTIES TO DISPUTE: (  
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9667) that:

1) Carrier violated the Clerks' Rules Agreement at Milwaukee, Wisconsin when it charged, held investigation and assessed discipline of thirty (30) days suspension to Employee M. G. Bigley on September 10, 1981.

2) Carrier shall now be required to clear Employee M. G. Bigley's record of all charges, investigation and subsequent discipline, and compensate him for all lost time caused by such charges, investigation and discipline.

OPINION OF BOARD: Claimant M. G. Bigley was working a vacation relief position from August 10 through August 13, 1981, on the third trick operator's position at Watertown, Wisconsin. On August 11, 1981, Train 246 derailed at Oconomowoc, Wisconsin. On August 17, 1981, Claimant was instructed to appear at a hearing to investigate the circumstances in connection with the derailment. A hearing into the matter was held and Claimant was found guilty of failing to notice or report a high reading on the hot box detector tape. He was assessed a 30-day actual suspension.

This Board has reviewed the hearing Transcript and the other documents that make up the total record of this case and can find no basis in that record on which to overturn or modify the decision of the Carrier.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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;

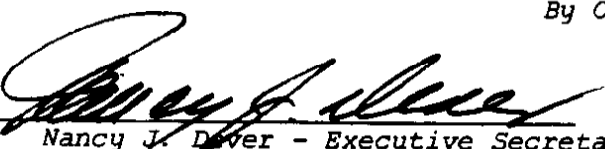
That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1985.