

Case No. 65 Award No. 64

STATEMENT OF CLAIM: Appeal of I&R Inspector B. Kears III to have fifteen (15 days actual suspension removed.


FINDING: In this dispute, the Carrier charged the Claimant, who was employed as a Pilot for an Electronic Tamper Machine, with failure to ensure that machinery under his direction was being handled properly. His primary duty at the time was to protect the machine's safety within the territory in which it was operating.

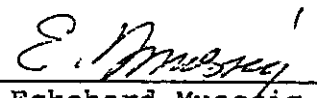
Subsequent to an investigation, the Carrier, relying mainly upon the testimony adduced at the investigation, notified the Claimant that he had been found guilty and suspended him for fifteen (15) days.

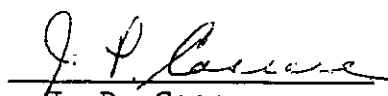
Our study of the transcript of the investigation indicates that there was ample evidence, including the Claimant's testimony, to support the Carrier's conclusions as to his guilt to the charge of not properly performing his duties. Accordingly, the Board, absent a finding of arbitrary or capricious conduct, has no basis to disturb the measure of discipline imposed.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muesig
Neutral Member


J. P. Cassese
Employee Member

Dated: JUN 21 1985