

PUBLIC LAW BOARD NO. 3558

PARTIES ) BROtherHOOD OF MAINTENANCE OF WAY EMPLOYES  
TO )  
DISPUTE ) SOUTHERN PACIFIC TRANSPORTATION CO. (EASTERN LINES)

STATEMENT OF CLAIM:

"Claim on behalf of System Machine Operator E. O. Figueroa for 88 hours at his straight time rate of pay account him being unjustly suspended and the Carrier violating Article 14 Memorandum of Agreement dated March 20, 1984."  
(MW-85-138)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

Claimant's disciplinary suspension arises from the fact that while assigned Speed Swing SPO 230 on September 13, 1985 the machine failed to continue operating due to no lubricant in the differential housing, and Carrier determining at a company hearing that no oil had been in this housing for some time.

In this latter regard, we think it evident from the record that Claimant had not checked the oil level on the machine. This represented an indifference to duty, or to performance of duty, in violation of Rule 802 of the General Rules and Regulations of the Carrier.

The Board finding no basis to hold that Carrier was not within its right to administer discipline for this infraction of its rules, and the penalty as administered not being found to harsh or unreasonable, the claim will be denied.

AWARD:

Claim denied.



Robert E. Peterson, Chairman  
and Neutral Member



C. B. Goyne  
Carrier Member



M. A. Christie  
Organization Member

Houston, TX  
August 29, 1986