

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13268
Docket No. 13116
98-2-96-2-17

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

(National Conference of Firemen and Oilers
(System Council No. 6

PARTIES TO DISPUTE: (

(CSX Transportation, Inc. (former Seaboard Coast
(Line Railroad Company)

STATEMENT OF CLAIM:

- "1. That under the current and controlling agreement, Firemen and Oiler M.H. Flynn, ID# 174698 was unjustly suspended from service on January 14, 1995 through February 25, 1995.
2. That accordingly, Firemen and Oiler M.H. Flynn, be made whole for all lost time, with seniority rights unimpaired, the payment of 10% interest added thereto and his personal record be expunged of any reference to this discipline."

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.

Claimant was suspended for 30 days account wearing the wrong colored hard hat. The Carrier subsequently reduced the suspension to five days.

A review of the transcript of the January 31, 1995 Investigation reveals that the Claimant received a fair and impartial Hearing. It also reveals that the Claimant was not wearing the proper safety equipment, and was dilatory in changing to the proper head gear.

The Board finds no basis to disturb the Carrier's disciplinary action.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 18th day of May 1998.