

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

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(AFL-CIO
(
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to remove the letter of reprimand from the record of Machinist E. Broomall.
2. The Agreement of May 1, 1979 is controlling.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

The Claimant was notified on April 25, 1980, to attend an investigation to determine the facts in connection with a charge that he had not used his safety goggles, as prescribed by the controlling rule, during his tour of duty on April 17, 1980.

Following the investigation, the Claimant was notified that he was found guilty of the charge and was issued a letter of reprimand.

The record provides substantial evidence to conclude that the Claimant was guilty as charged. The Claimant had been warned on numerous occasions in the past concerning the use of safety goggles. He has chosen to ignore these warnings. The Board does not find the penalty assessed unreasonable, given the facts and circumstances in the record. The claim, therefore, is denied.

A W A R D

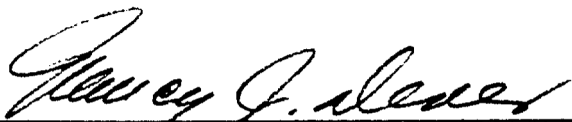
Claim denied.

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Award No. 9581
Docket No. 9761
2-CR-MA-'83

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

A handwritten signature in cursive script, reading "Nancy J. Dever", written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of July, 1983.