

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada
(
(Grand Trunk Western Railroad Co.

Dispute: Claim of Employees:

1. That the Grand Trunk Western Railroad Company violated the controlling agreement when Carman, Thomas Islam, was assessed a twenty (20) calendar day suspension as a result of investigation conducted on Friday April 24, 1981.
2. That accordingly, Grand Trunk Western Railroad Company be ordered to compensate Carman, Thomas Islam for the twenty (20) calendar day suspension, and make him whole for all benefits and privileges he would have received during suspension, and remove such discipline from his service record.

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 employees 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.

Claimant T. A. Islam was employed as a Carman at Carrier's Battle Creek, Michigan, Repair Track Facility. On February 21, 1981, he was injured while operating a table saw in the Woodmill area at the Repair Track Facility. As a result of that accident, Claimant was charged with a violation of Rule A of the GT Safety Rules. That Rule reads as follows:

"Safety is of first importance in the discharge of duty."

A hearing into the matter was held and Claimant was found guilty as charged and assessed a 20-day suspension.

The Division has reviewed the transcript of that hearing and the complete record of this case and must conclude that Claimant operated the saw in an unsafe manner and that a violation of Rule A took place.

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We are not, however, convinced that Claimant was solely at fault. There is some evidence in this record to indicate that the table saw was not in proper working order and that Claimant had not been properly instructed on how to use the saw. Given these facts, it is our finding that Carrier as well as Claimant share some responsibility for the accident and we will therefore reduce Claimant's suspension to ten (10) days.

A W A R D

Claim sustained in accordance with Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1985.