

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

Parties to Dispute: (International Brotherhood of Fireman and Oilers
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That under the current and controlling Agreement, as amended, Laborer A.W. Carswell, I.D. No. 166780, was unjustly suspended from the service of the Seaboard Coast Line Railroad Company, on March 24, 1981, through June 21, 1981, after a formal investigation was held in the office of Mr. R.D. Brigman, Master Mechanic, Conducting Officer, on March 3, 1981.

2. That accordingly, A.W. Carswell, Laborer, be restored to his regular assignment at Uceta Shops, Tampa, Florida, compensated for all lost time and that he be properly restored to his rightful position, vacation, health and welfare, hospital and life insurance and dental insurance be paid March 24, 1981 through June 21, 1981, and the payment of 6% interest rate be added thereto.

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 employes involved in this dispute are respectively carrier and employes 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 A. W. Carswell was injured in a fall while operating a Sand Gantry at the Uceta Enginehouse in Tampa, Florida, on July 11, 1980. As a result of this fall and injury, Claimant was charged with violation of Safety Rule 13, part of Rule 12 of the Rules and Regulations of the Mechanical Department, as well as part of Rule 1 of the same Rules. These charges accuse Claimant of failing to follow safety procedures when operating the Sand Gantry with willful neglect and with disregard for the Rules.

A Hearing into the matter was held on March 3, 1981. As a result of that Hearing, Claimant was found guilty and assessed a ninety-day suspension. A Transcript of that Hearing has been made a part of the record. A review of the record reveals that Claimant was granted a full and fair Hearing and was,

as Carrier concluded, guilty of a serious Rule infraction. He failed to hook the safety chain on the Sand Gantry and, as a result, he fell from the platform of the Gantry to the ground. Had he hooked the chain, he would not have fallen. Claimant was well aware of the Safety Rules and the need to fasten the safety chain on the platform of the machine.

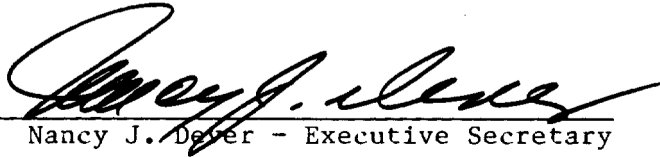
This Board has on many occasions commented on the seriousness of employees violating Safety Rules. We see no basis in the instant case to upset Carrier's actions in any way. Claimant was guilty as charged and a ninety-day suspension was, considering the current infraction and Claimant's past record, an appropriate penalty.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of August 1987.