

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12622
Docket No. 12531
93-2-92-2-56

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

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division TCU
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(Grand Trunk Western Railroad Company

STATEMENT OF CLAIM:

- "1. That the Grand Trunk Western Railroad Company violated the terms of the current agreement when they unjustly assessed fifteen (15) demerit marks to Carman R. L. Elswick's service record following an investigation conducted on August 13, 1991.
2. That accordingly, the Carrier be ordered to make the aforementioned R. L. Elswick whole by removing the fifteen demerit marks 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 employes 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.

On August 5, 1991, the Claimant was notified to attend an Investigation to determine whether he failed to promptly report an injury that allegedly occurred on July 20, 1991. Subsequently, the Claimant was found guilty and assessed the discipline of 15 demerit marks.

The Board, after careful review of the case file and the transcript of the Hearing held on this matter, finds substantive evidence that the Claimant was guilty as charged. Nonetheless, the

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Board does note certain circumstances and various factors which tend to provide a degree of mitigation in this case. Therefore, the discipline assessed by the Carrier is reduced to a Letter of Reprimand.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 1st day of December 1993.