

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13266
Docket No. 13114
98-2-96-2-14

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

PARTIES TO DISPUTE: (National Conference of Firemen and Oilers
(System Council No. 6
(CSX Transportation, Inc. (former Chesapeake &
(Ohio Railway Company)

STATEMENT OF CLAIM:

- “1. That under the current and controlling agreement, Firemen and Oiler J. S. Edmonds, ID# 094496 was unjustly suspended from service on December 21, 1994 through January 29, 1995.
2. That accordingly, Firemen and Oiler J. S. Edmonds be made whole for all lost time, with seniority rights unimpaired, the payment of 10% interest rate 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 commencing December 14, 1994 as a result of a formal Investigation held on November 23, 1994. Claimant was found to have violated Carrier's Safety Rules by cleaning the top of a refrigerator while standing on a picnic bench.

The record of the transcript shows that the Claimant admitted to doing the work as charged, which is a violation of the Carrier's Rules. Claimant's record shows four personal injuries, a letter of warning concerning an unsafe act and a five-day suspension for causing an accident which damaged Carrier property.

The Board finds no basis to overturn the actions of the Carrier.

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.