

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

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

Dispute: Claim of Employes:

1. That the Consolidated Rail Corporation be ordered to remove the letter of reprimand from Mr. Hamilton's 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 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 sustained an on-duty injury on December 16, 1978, allegedly slipping on oil as he was walking toward a locker facility. As a result of this, he was subject to an investigative hearing to determine whether he had violated Safety Rules 4008, 4023F and 4136, which read as follows:

"4008: While walking, look ahead and stay clear of opening or tripping, falling or slipping hazard. If necessary to look away from direction in which moving, stop while doing so."

"4023F: When going through hall, passageway, around corner or up or down stairs, use every stair step."

"4136: Use designated route while going to or from work, or while moving from one point to another while on duty."

The Carrier found the Claimant guilty of violating these rules by his failure to avoid walking through a portion of floor covered by an oil spill. The assessed penalty of a disciplinary suspension was reduced to a reprimand by the Carrier during the claims handling procedure. The Board has no basis to question this mild reproof, especially in view of the Claimant's record of two previous safety rule violations.

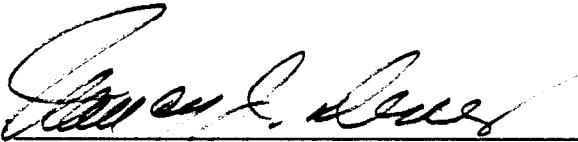
At the hearing, the Claimant sought to use his own tape recorder. The hearing officer prohibited such action, and the Claimant left the hearing forthwith. The Board finds that the Claimant was nevertheless afforded a fair trial. The Claimant must bear the responsibility for his own failure to offer any defense or rebuttal to the Carrier's charges.

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 24th day of October 1984.