

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 Firemen and Oilers
(Louisville and Nashville Railroad Company)

Dispute: Claim of Employees:

1. That under the current and controlling agreement Service Attendant Gary C. Redden, I.D. No. 316030, was unjustly suspended from service of the Louisville and Nashville Railroad Company on May 16, 17, 20, and 21, 1981, all dates inclusive, after a formal investigation was held in the office of Mr. T.M. Harris, Master Mechanic and Conducting officer, on April 9, 1981.

2. That accordingly, Service Attendant Gary C. Redden be compensated the four (4) days discipline assessed, May 16, 17, 20 and 21, 1981, all dates inclusive, at the pro-rata rate of pay.

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 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 was at the time of the incident that gave rise to this case employed as a Service Attendant at Radnor Yard, Nashville, Tennessee. On March 19, 1980, while sanding locomotives, Claimant had some sand blown in his eyes. This accident caused Claimant to lose two days of work. When he returned to work, he filled out an Accident Report. Subsequent to filing the Accident Report, Claimant was charged with violation of Safety Rules and leaving the property without permission, found guilty of those violations, and assessed a four-day suspension.

This Board has reviewed the record and finds that Carrier has acted in an arbitrary and capricious manner in this instance. Claimant had some sand blown in his eyes from a faulty hose. He also had permission to leave Company property. While the Board does not condone unsafe work habits, Claimant's behavior in this instance does not warrant a suspension.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Bever - Executive Secretary

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