

Award No. 11609
Docket No. CL-13468

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William H. Coburn, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5168) that:

(a) Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 6-A-1 through 7-A-1, inclusive, when it held Mr. E. H. Brownhill, Extra Yard Clerk, with headquarters at Edge Moor Yard, Wilmington, Delaware, Chesapeake Region, out of service commencing January 17, 1961, and subsequently imposed discipline of dismissal from service.

(b) E. H. Brownhill shall now be restored to service of Carrier with seniority and all rights unimpaired and his record cleared.

(c) E. H. Brownhill shall now be reimbursed for all wage loss sustained as a result of Carrier's action. (Docket 1038)

OPINION OF BOARD: This is an appeal from discipline of dismissal from service for violation of certain safety rules applicable to an employee who is injured in the course of his employment.

The following evidentiary facts of record are pertinent:

1. Claimant, when asked if he desired representation at the hearing on the charges, replied that he did not.
2. Claimant admitted he was familiar with the safety rules involved.
3. Claimant admitted he was guilty of violating those rules.
4. Claimant stated that he had received a fair trial.

The record is devoid of evidence of probative value rebutting any of the foregoing admissions, nor has it been shown they were made under compulsion or duress. Accordingly, the Board has no alternative but to dismiss the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 12th day of July 1963.