

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 20464

Docket Number SC-20357

Dana E. **Eischen**, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Louisville and Nashville Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville and Nashville Railroad Company:

On behalf of Signal Foreman **J. D. McDonald** for removal of the **45-day** suspension recorded against his record for alleged responsibility in connection with the derailment of a track crane on August 9, 1971 at West Knoxville, Tennessee.

Carrier's File: D-104076; G-306-27

OPINION OF BOARD: In this case Claimant seeks the removal of a **45-day** record suspension assessed against his discipline **record** following an investigation in which he was found in violation of certain Carrier safety rules, while moving an on-track crane on August 9, 1971. On that date the crane on which Claimant and another **employee** were riding was derailed.

In handling on the property, the appeal from record discipline was premised on the contention that prior to investigation the Claimant was charged with no specific rule violation. Further, petitioner also maintained that no responsibility for violation was shown to be attributable to Claimant. In furtherance of its procedural objections, Petitioner relied primarily upon Rule 55 of the Agreement.

In cases too **numerous** to require citation we have held that under rules similar to that here involved, notice of the type given by the Carrier herein is sufficient. Moreover, analysis of the record shows that testimony taken at the investigation substantially supports a finding of culpability on the part of Claimant. In these circumstances, the claim must be denied.

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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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.