

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21134
Docket Number SG-20910

Francis X. Quinn, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen
{ The Long Island Rail Road Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Long Island Rail Road:

Appeal on behalf of a reprimand assessed Joseph A. Pomilla on the charge:

Violation of safety Rule 3126 paragraphs "E", "F" and "G" while working on 118 switch at Jay Interlocking on May 5, 1973.

OPINION OF BOARD: In order to justify discipline for an alleged violation of a safety rule, there should be some evidence that the employee violated that rule, or otherwise performed his work in a careless manner. Our review of the record finds such evidence wanting. Therefore, we will sustain 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 Employee involved in this dispute are respectively Carrier and Employee 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 violated.

A W A R D

Claim sustained.

ATTEST: A. W. Pauls
Executive Secretary

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 30th day of July 1976.