

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22231
Docket Number SC-22279

Abraham Weiss, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(The Western Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the General **Committee** of the Brotherhood
of Railroad Signalmen on the Western Pacific
Railroad Company:

On behalf of TCS Signal Maintainer E. C. Johnson, **Tobin**,
California, for the removal from his personal records of seventy-four
demerits which were assessed by letter dated October 13, 1976, following
an investigation held on October 5, 1976, in connection with an injury
sustained on September 17, 1976."

/B - Case No. 10845-1976-BRS Local Case No. - None Signal Dept. 7

OPINION OF BOARD: The Claimant **in this** dispute was assessed 74
demerits under a charge that he was responsible
for sustaining a personal injury while working his position and that
he was **in** violation of Carrier's Rules 707(A) and 760(A).

We cannot find that the **Employees** have overcome the Carrier's
charge **that** the Claimant bore some responsibility **in** sustaining his
injury, but we do find that it has been shown **that** Claimant's conduct
met the requirements for making a report of his injury. From this we
must find that the discipline assessed was excessive and we direct
that it be reduced to **25** demerits.

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;

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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 per Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By **Order** of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 15th **day** of November **1978**.

