

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22576  
Docket Number MW-22340

Robert A. Franden, Referee

**PARTIES TO DISPUTE:** (Brotherhood of Maintenance of Way **Employees**  
(**Burlington Northern Inc.**

**STATEMENT OF CLAIM:** "Claim of the System **Committee** of the **Brotherhood**  
that:

(1) The suspension of thirty (30) days imposed upon **Crane**  
Operator **W. E. Fellman**, his disciplinary demotion to laborer and his  
disqualification **as machine operator** was without just and sufficient  
cause and an **abuse** of justice and discretion (System File **T-M-189C/**  
**MW-20 6/6/77**).

(2) The charge leveled against the claimant be stricken from  
his record, his seniority as machine operator be restored and unimpaired  
and he be reimbursed for all wage loss suffered **including the difference**  
between what he would have received at the crane operator's rate and  
what he **was** paid at the **laborer's** rate until he is **returned to work as**  
a crane operator with seniority as such unimpaired."

**OPINION OF BOARD:** Claimant was suspended from the service of the  
Carrier for 30 days and demoted to **laborer** from  
**Crane Operator** after having been found guilty of failing to stop his  
burro **crane** before passing the absolute interlock signal displaying a  
stop indication. The Organization challenges the finding of guilt' and  
the discipline assessed.

The record is clear that the Claimant is guilty of the  
offense charged. The transcript of the investigation fully supports the  
the determination of the hearing officer.

We find no reason to disturb the discipline assessed.

**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;

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**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 **Adustment** 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. Pauls*  
Executive Secretary

Dated at Chicago, **Illinois** this **30th** day of **October 1979**.