

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24091
Docket Number CL-23456

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,
 { Freight Handlers, Express and Station **Employees**
 {
 { The Belt Railway Company of Chicago

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (CL-9264)
that:

1. The Carrier violated the effective Clerks' Agreement when after investigation **and** hearing on June 6, 1979, it suspended Clerk Jeffrey Schneider **from** its service for three (3) days without just cause.

2. The Carrier shall now be required to compensate Clerk Jeffrey Schneider for all wage loss suffered as a result **of** his suspension from service, and that his record be cleared **of** any charge.

OPINION OF BOARD: In May of 1979 the **Claimant** was notified to attend an Investigation concerning responsibility, if any, in connection with a reported personal injury.

Subsequent to the Investigation the Claimant was suspended from service for three (3) days.

The record **indicates** that the Claimant **overfilled** a gas tank and that certain of the liquid splashed onto the ground and onto his clothing. Shortly thereafter the Claimant lit a cigarette for a fellow **employee** and **when** he dropped the **match** on the ground the **gasoline** on his trousers ignited. The flame was extinguished by fellow **employees**; but not before the **Claimant** suffered certain burns.

As has been stated **on** numerous occasions, it **is** not incumbent upon a Board such as this to substitute its **judgment** for that of the Carrier's **in** these types of cases. Suffice **it** to say that our review is limited to assuring that there is **evidence** of record which would support the findings **and the** imposition of discipline.

In this particular case we find that there was **such** evidence and we will deny 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of January 1983.

