

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24106  
Docket Number SG-24210

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: { **Brotherhood** of Railroad Signalmen  
{ Southern Pacific Transportation Company  
{ (Texas and Louisiana Lines)

STATEMENT OF CLAIM: "**Claim** of the General Committee of the Brotherhood of Railroad **Signalmen** on the Southern Pacific Transportation Company (Texas and Louisiana Lines):

That the record of Signalman D. A. **Kato** be cleared of sixty (60) demerits assessed **subsequent** to investigation conducted on October 13, **1980.**"  
(Carrier File No. ~~294-36~~-A)

OPINION OF BOARD: Claimant was subject to an **investigative** hearing to determine his responsibility in backing a Carrier vehicle into another vehicle, resulting in "approximately \$500 damage". Rule **M243** was cited. **This** rule, emphasizing normal safe driving requirements, **commences** as follows:

"No **motor** vehicle is to be set **in** motion until it is known that the way is clear."

There is no dispute as to the facts involved here. Visibility on the day of the accident was poor. Claimant's vehicle did strike another vehicle. As the Carrier determined, greater **care** could have been taken by the Claimant in the **operation** of the vehicle. He was assessed a penalty of 60 d-its, and the Board has no basis to **disturb** this judgment.

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 - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of January 1983.

