

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26425
Docket Number MU-25882

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of **Maintenance** of Way Employees
(National Railroad Passenger Corporation
(Amtrak) - Northeast Corridor

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

(1) The ten (10) day deferred suspension imposed upon Welder R. F. Davis for alleged violation of Rule 'F' was arbitrary, capricious, unwarranted and on the basis of unproven charges (System Docket **BMWE-D-027**).

(2) The claimant's record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss, if any, suffered."

OPINION OF BOARD: Claimant was charged with a violation of Rule "F" by working in an unsafe manner. A Hearing was held; Claimant was found guilty as charged and assessed a ten-day deferred suspension.

This Board has reviewed the record and finds it does not support the fact that Claimant was responsible for the accident that gave rise to this case. We therefore shall 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 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 violated.

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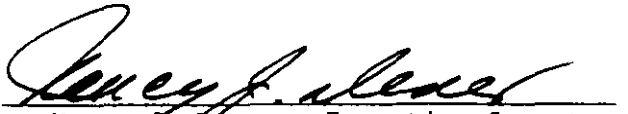
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Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 24th day of August 1987.