

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29573
Docket No. MW-30008
93-3-91-3-407

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance
(of Way Employees
(CSX Transportation, Inc. (former
(Clinchfield Railroad Company)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

(1) The discipline assessed B&B Carpenter W. C. Banks, five (5) days' actual suspension from service, for alleged responsibility and late reporting of a personal injury he suffered on February 26, 1990, was without just and sufficient cause, on the basis of unproven charges and in violation of the Agreement [Carrier's File 12(90-666) CLR].

(2) The discipline referenced in Part (1) shall be removed from the Claimant's record and his seniority and vacation benefits shall be restored unimpaired."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

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This Board has reviewed the case file, has studied the hearing transcript, has considered all of the contentions of the parties and has concluded that the relative convincing force of testimony and evidence supports the conclusion that Claimant was guilty as charged and that the discipline as assessed was not excessive, arbitrary or capricious. Therefore, the claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of March 1993.