

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29574
Docket No. MW-30053
93-3-91-3-466

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
(Seaboard System Railroad)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

(1) The discipline (letter of reprimand) imposed upon Mr. D. D. Newby for alleged violation of Safety Rules 1 and 338 on June 19, 1990 was arbitrary, capricious, unwarranted and on the basis of unproven charges [System File 90-113/12 (90-840) SSY].

(2) The Claimant shall have his personal record cleared of all reference to the charges and discipline leveled against him and he shall be made whole for any wage and fringe benefit loss suffered by him as a result of the Carrier's actions."

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.

Form 1
Page 2

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From a thorough review of the Hearing record developed in this case, this Board is not convinced that there is substantial evidence to support the conclusion that Claimant was guilty of violating the Rules in question. Therefore, the Letter of Reprimand cannot stand and should be removed from Claimant's record.

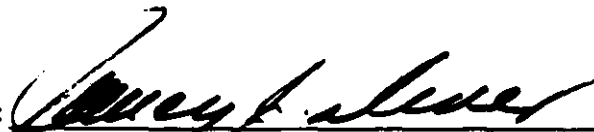
This Board does not find any proof or evidence of wage or benefit loss as a result of the disciplinary action. Therefore, that portion of the claim is denied.

A W A R D

Claim sustained in accordance with the Findings.

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.