

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No.31555  
Docket No.MW-32186  
96-3-94-3-553**

**The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.**

**(Brotherhood of Maintenance of Way Employees  
PARTIES TO DISPUTE: (  
(CSX Transportation, Inc. (former Louisville and Nashville  
( Railroad Company)**

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

- (1) The discipline (letter of reprimand) imposed upon Mr. L.R. Mills, in connection with derailing Truck No. 45558 at 5:00 P.M. on August 23, 1993, for alleged violation CSXT's Operating Rule 712, was without just and sufficient cause and on the basis of unproven charges [System File 4(16) (93)/12(93-1246) LNR].**
- (2) As a consequence of the violation referred to in Part (1) above, the letter of reprimand and all references to this matter shall be removed from the Claimant's service record."**

**FINDINGS:**

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

**The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.**

Subsequent to an Investigation, the Claimant was found to be responsible for the derailment of a hi-rail vehicle while in the performance of his inspection duties.

The Board, following our review of the evidence developed on the property, finds that the Carrier had a proper basis for its decision. Accordingly, the claim must be denied.

**AWARD**

Claim denied.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

Dated at Chicago, Illinois, this 25th day of July 1996.