

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31987
Docket No. SG-32583
97-3-95-3-514**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard Coast
(Line Railroad Company)**

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (former Seaboard Coast Line):

Claim on behalf of J. P. Jones for compensation for all time lost as a result of his suspension from service for 30 days beginning October 30, 1993, and for his record to be cleared of all charges in connection with this discipline, account Carrier violated the current Signalmen's Agreement, particularly Rule 47, when it did not provide the Claimant with a fair and impartial investigation and assessed harsh and excessive discipline against him in this matter. General Chairman's File No. 47-JPJ-93. Carrier's File No. 15 (93-0137). BRS File Case No. 9708-SCL."

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 were given due notice of hearing thereon.

As a result of an Investigation held October 4, and by letter dated October 19, 1993, Claimant, a Lead Signalman with 17 years of service, was assessed a 30 day suspension for negligence in his operation of a boom on a truck on August 30, 1993 which resulted in damage to the Carrier's equipment.

The record shows that Claimant was instructed to remove an unused signal case and to dig up and remove its concrete foundation. Although instructed to dig around a foundation before lifting it, Claimant did not do so. When Claimant attempted to remove the foundation only by use of a boom, Claimant caused approximately \$8000 damage to the Carrier's equipment. We therefore find substantial evidence exists in the record to support the Carrier's determination that Claimant was negligent.

However, we find a 30 day suspension to be excessive. Claimant has no prior discipline on his record. The 30 day suspension shall be reduced to 15 days. Claimant shall be compensated accordingly.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

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

Dated at Chicago, Illinois, this 6th day of May 1997.