

## NATIONAL RAILROAD ADJUSTMENT BOARD

## THIRD DIVISION

(Supplemental)

Arthur W. Devine, Referee

## PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

SEABOARD AIR LINE RAILROAD COMPANY

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

(1) The suspension of Steel Bridge Foreman Raymond Painter for fifteen (15) days effective February 1, 1964 was arbitrary, unwarranted and on the basis of charges which were not sustained at hearings held thereon. (Carrier's file PD-21073 G-10-2).

(2) Claimant Painter's record be cleared of said charges and that he be compensated for time lost.

Note: The transcript of the hearing consists of 97 typewritten pages reproduced by the duplicating process. Assuming, therefore, that the Carrier has retained the master sheets for future reproduction purposes and in order to avoid submission of this voluminous transcript by both parties, the Employees will not file the transcript with our submission but shall expect the Carrier to file a full and accurate copy with its submission.

We refer to instructions by this Division dated 12/18/58 on preparation of submissions which include.

"Exhibits such as transcripts of investigations should not be presented by both parties to a case when one will suffice."

**OPINION OF BOARD:** Claimant, Raymon Painter a Bridge Foreman, was suspended fifteen days for his responsibility and violation of Carriers Safety Rules in connection with an unsafe condition which resulted in injuries to two bridge gang employees on January 14, 1964. The injuries were caused by pieces of broken concrete or stones falling from a car that had been placed on the bridge directly over a coffer-dam in which the injured employees were working.

The record does not support Claimant's contention that the suspension was arbitrary and unwarranted, or that the Charges against him were not sustained on basis of the transcript of hearing, which we have thoroughly examined.

In many prior awards, the Board has ruled it will not substitute its judgment for that of the Carrier's in discipline cases, unless Carrier's action is so arbitrary, capricious, or unreasonable as to amount to abuse of discretion.

It has also held that Safety Rules, by their very nature, place a high degree of care on Carrier's employees.

It is our conclusion, based on the record before us, that the evidence substantiates the charges and that Carrier's action in suspending Claimant fifteen days was not arbitrary, unwarranted, or unreasonable.

We will therefore, deny 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 not violated.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of September, 1966.