

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22231  
Docket Number SG-22279

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(The Western Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood  
of Railroad Signalmen on the Western Pacific  
Railroad Company:

On behalf of TCS Signal Maintainer E. C. Johnson, Tobin,  
California, for the removal from his personal records of seventy-four  
demerits which were assessed by letter dated October 13, 1976, following  
an investigation held on October 5, 1976, in connection with an injury  
sustained on September 17, 1976."

/B - Case No. 10845-1976-BRS Local Case No. - None Signal Dept.7

OPINION OF BOARD: The Claimant in this dispute was assessed 74  
demerits under a charge that he was responsible  
for sustaining a personal injury while working his position and that  
he was in violation of Carrier's Rules 707(A) and 760(A).

We cannot find that the Employees have overcome the Carrier's  
charge that the Claimant bore some responsibility in sustaining his  
injury, but we do find that it has been shown that Claimant's conduct  
met the requirements for making a report of his injury. From this we  
must find that the discipline assessed was excessive and we direct  
that it be reduced to 25 demerits.

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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated.

A W A R D

Claim sustained per Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 15th day of November 1978.

