

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22576
Docket Number MW-22340

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Burlington Northern Inc.

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

(1) The suspension of thirty (30) days imposed upon Crane Operator W. E. Fellman, his disciplinary demotion to laborer and his disqualification as machine operator was without just and sufficient cause and an abuse of justice and discretion (System File T-M-189C/MW-20 6/6/77).

(2) The charge leveled against the claimant be stricken from his record, his seniority as machine operator be restored and unimpaired and he be reimbursed for all wage loss suffered including the difference between what he would have received at the crane operator's rate and what he was paid at the laborer's rate until he is returned to work as a crane operator with seniority as such unimpaired."

OPINION OF BOARD: Claimant was suspended from the service of the Carrier for 30 days and demoted to laborer from Crane Operator after having been found guilty of failing to stop his burro crane before passing the absolute interlock signal displaying a stop indication. The Organization challenges the finding of guilt and the discipline assessed.

The record is clear that the Claimant is guilty of the offense charged. The transcript of the investigation fully supports the the determination of the hearing officer.

We find no reason to disturb the discipline assessed.

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;

Award Number 22576
Docket Number MW-22340

Page 2

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois this 30th day of October 1979.