

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24034
Docket Number MW-23975

Josef P. Sirefman, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
{ Consolidated Rail Corporation

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

(1) The ten day record suspension assessed Foreman W. P. Bertier and Crane Operator V. M. Giordano for alleged responsibility 'for the damage to Crane H-48' was without just and sufficient cause and on the basis of unproven charges (System Docket No. NH-21).

(2) Foreman W. P. Bertier and Crane Operator V. M. Giordano shall have their personal records cleared of the charges leveled against them.

OPINION OF BOARD: Claimants, Foreman W. P. Bertier and Crane Operator V. M. Giordano, were served with a June 22, 1979 notice of investigation to develop facts and determine responsibility, if any, for damage to crane H-48 on June 20, 1979. A hearing was held on July 11, 1979, and Claimants were subsequently found partially responsible for damage to the crane and the Carrier imposed a ten-day suspension on each.

A review of the record before this Board establishes through the numerous witnesses that there was substantial evidence to sustain Carrier's decision to discipline the Claimants. Given the seriousness of the violation the discipline of a ten-day record suspension for both Claimants was reasonable.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of November 1982.

