

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24091
Docket Number CL-23456

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees
{ The Belt Railway Company of Chicago

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9264)
that:

1. The Carrier violated the effective Clerks' Agreement when after investigation and hearing on June 6, 1979, it suspended Clerk Jeffrey Schneider from its service for three (3) days without just cause.
2. The Carrier shall now be required to compensate Clerk Jeffrey Schneider for all wage loss suffered as a result of his suspension from service, and that his record be cleared of any charge.

OPINION OF BOARD: In May of 1979 the Claimant was notified to attend an Investigation concerning responsibility, if any, in connection with a reported personal injury.

Subsequent to the Investigation the Claimant was suspended from service for three (3) days.

The record indicates that the Claimant overfilled a gas tank and that certain of the liquid splashed onto the ground and onto his clothing. Shortly thereafter the Claimant lit a cigarette for a fellow employe and when he dropped the match on the ground the gasoline on his trousers ignited. The flame was extinguished by fellow employes; but not before the Claimant suffered certain burns.

As has been stated on numerous occasions, it is not incumbent upon a Board such as this to substitute its judgment for that of the Carrier's in these types of cases. Suffice it to say that our review is limited to assuring that there is evidence of record which would support the findings and the imposition of discipline.

In this particular case we find that there was such evidence and we will 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.

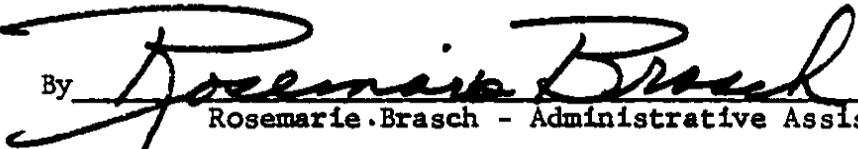
A W A R D

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 5th day of January 1983.

