

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24432  
Docket Number MW-24011

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 five (5) day suspension imposed upon Truck Driver Steve Janosko for his alleged responsibility 'In connection with collision of Thompson Switching Engine 7741 and Conrail M.W.S. Boom Truck G-8220' was without just and sufficient cause and on the basis of unproven and disproven charges (System Docket 508).

(2) Truck Driver Steve Janosko shall have his service record cleared of the charges and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant, Truck Driver Steve Janosko, was served with a notice of trial "In connection with collision of Thompson Switching Engine 7741 and Conrail M.W.S. Boom Truck G8220 at Thompson Storage Yard at approximately 9:45 PM, January 8, 1979." The trial was held on March 2nd and 6th, 1979 and Claimant was disciplined with a ten-day suspension. On Appeal the suspension was reduced to five days.

The record establishes through numerous witnesses that Claimant was partially responsible for placing his Boom Truck on a track which had not been removed from service. That there may have been others who share this responsibility does not cancel or offset Claimant's involvement in the incident. (See Third Division Award 24034). There was substantial evidence to sustain the Carrier's decision to discipline Claimant. Given the seriousness of the occurrence the five day suspension 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.

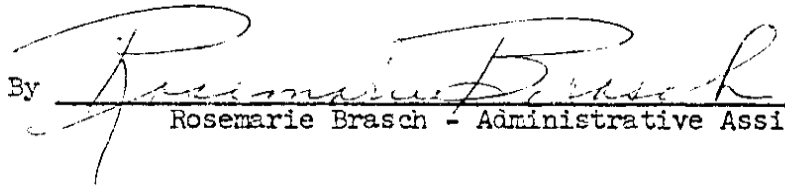
A W A R D

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 15th day of June 1983.

*Rec'd  
6-15-83*