

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24498  
Docket Number MW-24573

Edward L. Suntrup, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(Terminal Railroad Association of St. Louis

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

(1) The discipline (reprimand) imposed upon Truck Driver W. E. Jackson for alleged responsibility 'in connection with damage incurred to Truck 206' on March 9, 1981 was arbitrary, capricious, unwarranted and on the basis of unproven charges.

(2) Said reprimand shall be expunged from the claimant's record."

OPINION OF BOARD: Claimant, William E. Jackson, received notice dated March 11, 1981 to attend investigation on March 20, 1981 to determine facts and place responsibility, if any, in connection with damage incurred to Carrier truck No. 206 on March 9, 1981. As a result of the hearing Claimant was notified on March 30, 1981 that he had been found guilty of carelessness in the operation of a Carrier vehicle and a letter of reprimand was subsequently placed in his personnel file.

The record before the Board shows that after a long length of rusty pipe was loaded onto Claimant truck No. 210 at the Carrie Avenue Yard in St. Louis, Claimant then drove this truck to the Carrier's Bremen Avenue facility and parked it. Nothing in the record shows that Claimant either flagged, nor took any other precautionary measure with respect to this piece of pipe which extended some six (6) feet beyond the bed of the truck after he parked it. As a consequence a second truck (No. 206) was damaged as it was being backed into the Bremen Avenue facility parallel with Claimant's vehicle; the pipe protruding from truck No. 210 tore off the rear view mirror of truck No. 206 and damaged driver's side door of that vehicle.

Given the above statement of facts, sufficient substantial evidence is present to warrant assessment of discipline levied and the Board will not disturb Carrier action in this respect.

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

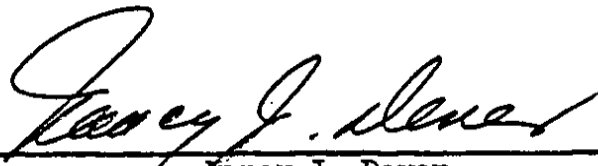
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:



Nancy J. Dever  
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of August 1983.

