

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24979
Docket Number MW-24748

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 fifteen (15) days of suspension imposed upon Truck Driver S. D. Ferris for alleged "Violation of Safety Rules: 3432, 3433, 3435, in connection with your personal injury sustained January 2, 1980" was without just and sufficient cause, unwarranted and on the basis of unproven charges (System Docket 590).

(2) The claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: Claimant S. D. Ferris, a Truck Driver with the Carrier since September, 1975 received a February 8, 1980 notice of trial charging violation of safety rules 3432, 3433, 3435, in connection with "your personal injury sustained January 2, 1980" at 10:15 AM at Pittsburgh, Pa. The trial was held on February 19, 1980 and on March 3, 1980 the Carrier gave Claimant a 15-day suspension.

A review of the record before this Board establishes that the February 8, 1980 notice of trial provided sufficient particularity to permit Claimant to properly prepare a defense for the allegations contained therein, and that Claimant was afforded all the procedures provided by the contract. There was substantial evidence from which Carrier could conclude that Claimant had not taken proper precautions to secure himself when moving from one vehicle to another, and therefore substantial evidence to sustain Carrier's decision to discipline Claimant. Under the circumstances the penalty of a 15-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 Employee involved in this dispute are respectively Carrier and Employee 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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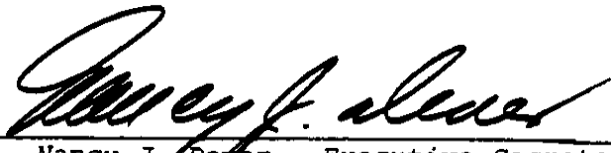
Page 2

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois this 12th day of September 1984.