

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

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 discipline imposed upon Repairman R. W. Jones for alleged 'Failure to comply with safety rule #3361 (d) and (e)', was arbitrary, capricious, unwarranted, based on unproven charges and in violation of the Agreement (System Docket CR-786-D).

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

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.


The evidence shows that the Claimant had attempted to handle a switch hook by himself and, by so doing, he sustained an injury. The Carrier, asserts that the injury could have been prevented had the Claimant obtained help in handling the switch lifter hook or by using a crane. The record also shows that the Claimant had been counselled in the past, relative to safety matters, as these applied to his personal injury record.

The Board finds substantial credible evidence with respect to the Carrier's determination in this matter.

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 12th day of August 1988.