

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30055
Docket No. CL-30702
94-3-92-3-631

The Third Division consisted of the regular members and in addition Referee Robert G. Richter when award was rendered.

(Transportation Communications International
(Union
PARTIES TO DISPUTE: (
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the
Brotherhood (GL-10853) that:

1. Carrier violated the effective agreement when, following an investigation held on July 26, 1991, it imposed discipline in the form of ten (10) demerits against the record of Ms. Ada V. Martin;
2. Carrier shall now rescind the discipline imposed and shall clear Claimant's record of the charges placed against her."

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 employe 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.

Claimant was an extra board employee with a seniority date of May 17, 1973.

On July 2, 1991, the Carrier directed the Claimant to report for an Investigation:

"...to develop all facts and to determine your responsibility if any, relative to the damage that occurred to EJ&E Vehicle No. 923 at approximately 10:35 a.m. on June 5, 1991, while you were allegedly operating that vehicle in the Gary Sheet and Tin Mill."

The Investigation was held on July 26, 1991. As a result of the Investigation, Claimant was assessed ten demerits. The record discloses Claimant was working as an Extra Clerk on June 5, 1991. As part of her duties she was required to drive Vehicle No. 923. The vehicle was a new truck which the Claimant had never driven. Apparently the truck was wider than the other vehicles the Claimant had driven. The record is clear that Claimant had a single vehicle accident damaging the truck.

The Carrier proved Claimant was the cause of the damage to Vehicle No. 923. However, based on the entire record, this Board will reduce the discipline to a reprimand.

A W A R D

Claim sustained in accordance with Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin, Interim Secretary to the Board

Dated at Chicago, Illinois, this 17th day of February 1994.