

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 31369
Docket No. MW-32003
96-3-94-3-360

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(CSX Transportation, Inc. (former
(Seaboard System Railroad)

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

- (1) The ten (10) day suspension imposed upon Equipment Operator J. W. Adkins for alleged responsibility for an injury he sustained on June 10, 1993 was unreasonable and excessive [System File B-TC-8997/12 (93-885) SSY].
- (2) As a consequence of the violation referred to in Part (1) above, the Claimant shall receive the benefit of the remedy prescribed by the parties in Rule 15(d)."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 cited to attend an Investigation concerning an injury he sustained while working on June 10, 1993. Following the Investigation he was disciplined with a ten day suspension. The organization appealed the discipline on a variety of grounds.

The Board reviewed the Investigation transcript and concludes that it does not indicate an appropriate basis for the assessment of any discipline in the circumstances present.

Accordingly, Carrier will be ordered to expunge all reference of the discipline from Claimant's file and compensate him for all losses incurred, as required by Rule 15(d) of the Agreement.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 29th day of February 1996.