

This claim arose because the Carrier determined that the Claimant did not perform his duties in a safe manner when he injured himself. As a result, the Claimant was issued a disciplinary letter of censure.

The Claimant and another employee were assisting a fork lift operator in the loading of ties. During this process, he injured his back.

The Board finds that the Carrier met its burden of proof in this case, as shown by the Claimant's own testimony. The charge before the Board was that the Claimant failed "to properly plan and perform work, and exercise care to prevent and/or avoid injury on Monday, August 16, 1993.

In the transcript of the Investigation held on this matter Claimant acknowledged culpability in the matter at issue. Accordingly, the Board has no recourse other than to deny the claim.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 25th day of July 1996.