

PUBLIC LAW BOARD NO. 1760

Award No. 57

Case No. 57

Docket No. MW-DEC-80-37

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company (Former Wabash)

Statement

of Claim: 1. Carrier violated the effective agreement when Extra Gang Foreman W. A. Craft who was unjustly assessed fifteen (15) days deferred suspension.

2. The fifteen (15) days assessed deferred suspension shall now be stricken from Claimant Craft's record.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated February 2, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant was an Extra Gang Foreman on the Lafayette District for five (5) years. He was notified, under date of November 18, 1982, to attend a formal investigation on the charge:

"...to determine your responsibility, if any, in connection with your violation of Safety Rule 1056 of the Norfolk and Western Railway Company Safety Rules and Rules for General Conduct effective March 1, 1981, and violation of Operating Rules 644, 649, 101 of the Norfolk and Western Railway Company operating rules effective March 1, 1981, in connection with Train DD10, Extra East 1303 striking the roller at the Catlin road crossing at approximately 2:28 PM on November 17, 1981 which was working under your supervision blacktopping the road crossing."

As a result thereof, Carrier concluded Claimant to be guilty as charged. He was assessed fifteen (15) days deferred suspension as discipline therefor.

The Board finds that Claimant was accorded the due process to which entitled under his discipline rule.

There was sufficient evidence adduced to support the conclusion reached by Carrier as to Claimant's culpability.

The discipline assessed was deferred. In the circumstances it was reasonable. This claim will be denied.

Award: Claim denied.

  
M. A. Christie, Employee Member

  
S. C. Lyons, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued December 14, 1984.