

PUBLIC LAW BOARD NO. 3765.

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 33

STATEMENT OF CLAIM

The decision of the Carrier to suspend Claimant A. L. Powell from service for eighteen (18) days was unwarranted, on the basis of unproven charges and in violation of the Agreement.

Claimant Powell shall be compensated for all wage loss suffered as a result of the above referred to suspension.

OPINION OF THE BOARD

At the time of the incident that gave rise to this dispute, Claimant A. L. Powell was employed as a Trackman at Pontiac, Michigan. On July 24, he was notified to attend an investigation into charges that he was involved in an altercation with Trackman G. Lenoir. An investigation into the matter was held on July 31, 1986. As a result of that investigation, Claimant was found guilty as charged and assessed an

eighteen-day suspension.

This Board has reviewed the transcript of the hearing and the material submitted into the record. We are persuaded by that review that Claimant was the aggressor in the altercation and he was guilty as charged. This Board can find no basis on which to modify Carrier's actions in this instance.

AWARD

The claim is denied.

R. E. Dennis
R. E. Dennis, Neutral Member

Jo. A. DeRouche
Jo. A. DeRouche, Carrier Member

W. E. LaRue
W. E. LaRue, Employee Member

3-8-90
Date of Adoption