

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1037

Case No. 24

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: CSX Transportation, Inc.

STATEMENT OF CLAIM:

Letter of reprimand assessed to N. Johnson, ID#
171208 as a result of investigation held November
30, 1990 at Savannah, Georgia.

FINDINGS:

Claimant N. Johnson was employed by the Carrier as a
trackman.

On November 16, 1990, the Carrier notified the Claimant to
appear for a formal investigation in connection with the
following charge:

November 6, 1990, you sustained an on duty injury
which resulted in lost work days when you tripped
on a spike in the track. You are hereby charged
with possible violation of Rules 1 and 11 of the
CSX Transportation Safety Rules.

The hearing took place on November 30, 1990. On December 14,
1990, the Carrier notified the Claimant that he had been found
guilty of the charge against him and was being assessed a
reprimand. The Claimant was further instructed to review all
Carrier rules to ensure strict compliance. Thereafter, the
Organization filed a claim on Claimant's behalf, challenging his
reprimand.


This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of violating Rules 1 and 11 when he incurred his injury on the date in question. The Claimant clearly admitted that he was responsible for the accident when he said that he "didn't see it, if I would have seen it, I wouldn't have tripped over it."

Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

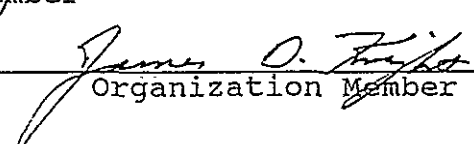
In the case at hand, the Claimant was issued a reprimand for the rule violations. That is one of the mildest forms of discipline that can be issued in cases of this kind. This Board cannot find that the Carrier was unreasonable, arbitrary, or capricious when it took that action. Hence, the claim will be denied.

AWARD:

Claim denied.


PETER R. MEYERS
Neutral Member


Carrier Member


Organization Member

Dated: June 14, 1991