

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 103

NATIONAL UNION

AUG 13 1 14 PM '90

Case No. 3

ADJUSTMENT BOARD

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: CSX Transportation, Inc.

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

Letter of Reprimand assessed James Ladson, ID# 171245 as a result of investigation held May 18, 1989, at Chelsea, Alabama."

FINDINGS:

On April 21, 1989, Claimant was assigned to prepare camp cars for movement with work train. CSXT 973405 caught fire and burned at Mile Post ANJ 918.3. After inspection it was determined that a gas cylinder valve was not closed. Claimant was charged with possible violation of the part of CSX Transportation Safety Rule 444 which reads as follows:

Liquified petroleum gas will not be used while car on trailer, so equipped, is being moved. Valves at storage tank will be closed while equipment is in transit or when equipment is left unoccupied.

A formal hearing was held on May 18, 1989, and as a result, Claimant was issued a letter of reprimand as discipline. The Organization thereafter filed a claim on Claimant's behalf, challenging his discipline.

This Board has reviewed the evidence and testimony in this case and we must find that there is not sufficient evidence in the record to support the finding that the Claimant was guilty of any wrongdoing in this case. Therefore, the claim must be sustained.

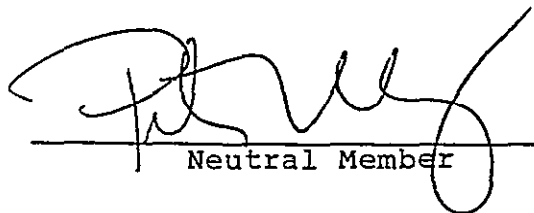
The record reveals that there were several people involved in the assignment that the Claimant was supposed to perform. There is no

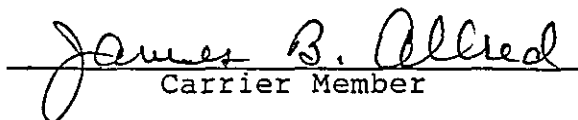
question that one of those people was responsible for not properly performing his or her job. However, the record does not reveal sufficient evidence that the Claimant was the one directly responsible for the wrongdoing.

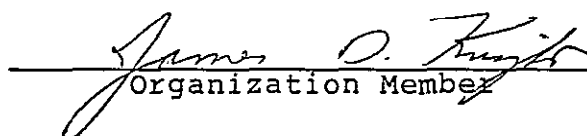
The Carrier has the burden of proof in these types of cases. It has not met that burden here. Therefore, the claim will be sustained.

Award:

Claim sustained. The letter of reprimand shall be removed from the record of the Claimant.

  
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Neutral Member

  
\_\_\_\_\_  
Carrier Member

  
\_\_\_\_\_  
Organization Member

Date: July 30, 1990