BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1887 (1977) (1977) Case No. 7 Aug 13 | 14 mm '50

PARTIES: Brotherhood of Maintenance of Way Employes

TO:

DISPUTE: CSX Transportation, Inc.

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

Letter of reprimand assessed M. Norman, ID #168325 as a result of investigation held February 12, 1990, at Greenwood, South Carolina."

FINDINGS:

On February 8, 1990, B & B Helper T. Calhoun, Jr., injured his finger while loading a push car onto the bridge gang truck at Carlisle, South Carolina. As a result Claimant was charged with possible violation of that part of CSX Transportation Safety Rule 922 which reads as follows:

When lifting: (e) ascertain in advance that the location for placing the load is suitable and when feasible, material handling devices must be used if provided.

A formal investigation was held on February 22, 1990, and as a result, Claimant was issued a letter of reprimand. 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 find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the safety rule violation with which he was charged. Therefore, the Carrier had a basis to issue discipline to him.

Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our

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attention to the type o discipline imposed. This dard will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

In this case, the Claimant was issued a letter of reprimand. Given the nature of the wrongdoing and his previous record, this Board cannot find that the letter reprimand was unreasonable and it actually appears to have been lenient. Therefore, the claim shall be denied. Award:

Claim denied.

Neutral Member

James R. allred
Carrier Member

Organization Member

Date: July 30, 1990