

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 118
Docket No. 126

PARTIES: Brotherhood of Maintenance of Way Employees
TO :

DISPUTE: Chicago and North Western Transportation Company

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

- (1) The dismissal of Machine Operator G.D. Jones was without just and sufficient cause and excessive punishment. [Organization File 4LF-2156 D; Carrier File 81-87-74]
- (2) Claimant G.D. Jones shall be allowed the remedy prescribed in Rule 19(d)."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On November 3, 1986, Claimant was assigned to operate an 1150 case enloader and ten yard dump truck. The dump truck became stuck in mud; during Claimant's attempts to free the truck, the truck's front bumper and box were damaged. Claimant subsequently was directed to attend a formal investigation of the charge:

Your failure to properly perform your duties which resulted in damage to 10 yard dump truck, System No. 21-4272, on Monday, November 3, 1986.

The investigation was held as scheduled, and a copy of the transcript has been made a part of the record. We find that the investigation was conducted in a fair and impartial manner.

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 failing to properly perform his duties on November 3, 1986.

Once this Board has determined that there was 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 it to have been unreasonable, arbitrary, or capricious. The record reveals that the Claimant has received a number of previous disciplines for poor work performance. Given the nature of the offense and the record of the Claimant, this Board cannot find that the Carrier acted unreasonably when it terminated his employment. Therefore, the claim must be denied.

Award:


Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: Sept. 23, 1988