

SPECIAL BOARD OF ADJUSTMENT NO. 924

18

Award No. 18  
Docket No. 22

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 fifteen (15) day suspension assessed Machine Operator R. R. Scarberry for allegedly failing to wear the proper safety equipment was without just and sufficient cause; arbitrary and excessive. (Organization File 2D-3682; Carrier's File 81-83-112-D).
- (2) Machine Operator R. R. Scarberry shall be compensated for all wage loss suffered and have his record cleared of the charge.

FINDINGS:

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

On March 2, 1983, claimant was observed operating his boom truck while wearing a "bump hat" and without safety glasses. On March 7, 1983, claimant was instructed to appear for formal investigation on March 9, 1983, on the charge:

"Your responsibility in connection with failure to wear proper safety equipment on March 2, 1983."

By agreement the investigation was held on March 2, 1983, rather than March 9. A copy of the transcript of the investigation has been made a part of the record. In the investigation substantial evidence was presented in support of the charge that claimant was not wearing proper safety equipment on the date involved in violation of Carrier's Safety Rules 33 and 73, which rules were read into the investigation.

The fifteen day suspension issued against claimant was not arbitrary, capricious or unreasonable. We do not consider that because the fifteen day suspension in this case activated a previously assessed thirty day deferred suspension is of concern to the Board.

A W A R D

Claim denied.

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Paul C. Carter  
Chairman, Neutral Member

A. L. Hopper  
Labor Member

J. B. Crawford  
Carrier Member  
Dated: 5/8/34