

Award No. 227  
Case No. 230  
System Docket No. CR-3653-D

SPECIAL BOARD OF ADJUSTMENT NO. 976  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of 33 day suspension (time held from service) assessed E. A. Sellars, in connection with being charged with being accident prone.

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

The statistical evidence shows claimant has a propensity towards injury, however, there is no showing of any prior discipline involving safety rule infractions or that he had been sufficiently counselled regarding his unsafe work habits. Accordingly, in light of his 13 years of discipline free service, we deem a reprimand to be appropriate discipline for this first offense.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 23 day of February, 1989.