

SPECIAL BOARD OF ADJUSTMENT NO. 955

AWARD NO. 80

SEABOARD SYSTEM RAILROAD

VS.

UNITED TRANSPORTATION UNION

STATEMENT OF CLAIM: Claim is made in behalf of Hostler D. E. Seuis for clear record and pay for all time lost (10 days) for alleged violation for Operating Rule 720 and Safety Rule numbers 6 and 37. Formal investigation was held October 31, 1983.

STATEMENT OF FACTS: On October 18, 1983, Mr. Seuis was working as hostler at Winston Yard, Florida. At about 12:15AM, Mr. Seuis dismounted the engineer's seat of a locomotive and tripped over wooden blocks which had been placed on the floor as a sort of makeshift platform to supplement the footrest.

Claimant fell against the wall of the cab and sustained a minor personal injury.

Formal investigation was held on October 31, 1983, and Hostler Seuis was assessed a 10 day suspension for violation of the following rules: _

Operating Rule 720

Employees must keep the premises subject to their control neat and clean.

Safety Rule 37

Each employee is required to keep the premises subject to his control in a clean and orderly condition. Good housekeeping is essential to safety.

Safety Rule 6

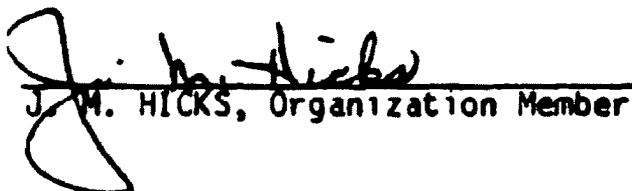
Safety rules cannot be all-inclusive. Conditions may arise which are not covered by rule, and they demand sound judgment. Such judgment must be to supplement, but not to deviate from, the rules.

FINDINGS: We set aside the discipline assessed because the record will not support a finding of culpability of claimant under the cited rules. The record reflects that the makeshift platform had been used without mishap for some time and the facts before us are insufficient to support carrier's judgment in the matter. Moreover, the transcript of the investigation is incomplete in that the conducting officer failed to have pictures of the platform arrangement attached to the deposition as exhibits. Under these circumstances we do not deem the discipline of Mr. Seuis to be appropriate.

AWARD: Claim sustained. Carrier shall make this award effective within 30 days from date hereof.


DAVID H. BROWN, Neutral Member


R. O. KEY, Carrier Member


J. M. HICKS, Organization Member