

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1037

Case No. 23

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: CSX Transportation, Inc.

STATEMENT OF CLAIM:

Letter of reprimand assessed to J. A. Brown, ID# 171209 as a result of investigation held November 30, 1990, at Savannah, Georgia.

FINDINGS:

Claimant J. A. Brown was employed by the Carrier as a trackman.

On November 15, 1990, the Carrier notified the Claimant to appear for a formal investigation in connection with the following charge:

November 5, 1990, you suffered an on duty injury which resulted in lost work days. You are hereby charged with possible violation of Rules 1, 11, and 18 of the CSX Transportation Safety Rules.

The hearing took place on November 30, 1990. On December 14, 1990, the Carrier notified the Claimant that he had been found guilty of the charge brought against him and was being assessed a reprimand. The Claimant was instructed to carefully study all Carrier rules for the safe operation of the railroad and the personal safety of each employee. Thereafter, the Organization filed a claim on Claimant's behalf, challenging his reprimand.

This Board has reviewed the evidence and testimony in this

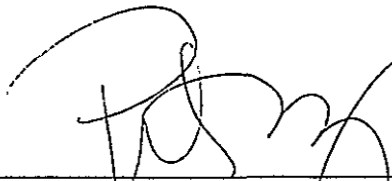
case, and we find that there is sufficient evidence in the record to support the guilty finding. The record reveals that the Claimant incurred an injury and, by his own testimony, he was negligent in getting his foot caught up under the machine. Given that admission, the Carrier was within its rights to issue discipline to the Claimant for violating the rules requiring that he watch where he steps and that he exercises care to avoid injury to himself.

Once this Board has determined that there is 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 its action to have been unreasonable, arbitrary, or capricious.

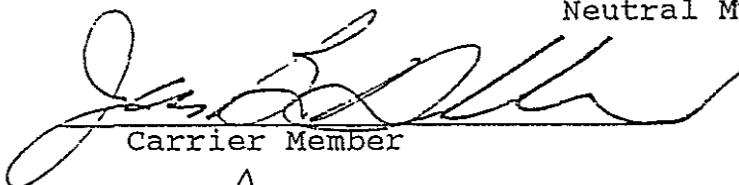
In this case, the Claimant was issued a reprimand for his wrongdoing. This Board cannot find that the Carrier exceeded its authority when it took that action. Therefore, the claim must be denied.

AWARD:

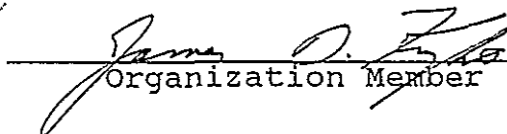
Claim denied.



PETER R. MEYERS
Neutral Member



Carrier Member



Organization Member

Dated: June 11, 1991