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Docket No. CL-7810  
Award No. 5

SPECIAL BOARD OF ADJUSTMENT NO. 177 (PRR)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that discipline of two weeks' suspension imposed upon G. L. Lightner, Chauffeur, Altoona, Pennsylvania, Middle Division, be removed and that he be reimbursed for all monetary loss sustained. (Docket E-973)

FINDINGS: Claimant Lightner was regularly assigned as Chauffeur at East Altoona Enginehouse. During his tour of duty he assisted in transferring barrels of diesel oil from a rail truck to the auto truck which he was driving. While standing on the hydraulic end gate of his truck beside two barrels of oil, he operated the lever and instead of raising, the end gate dropped striking a corner of the rail truck and tilting the end gate so that the barrels moved and pinned Claimant against the truck body, as a result of which he sustained injury.

Two subsequent mechanical inspections, one in the presence of Claimant and the other in the presence of his representative, failed to show any mechanical defect or failure in proper operation of the end gate.

Claimant stated that when he worked the lever for the purpose of raising the barrels of oil the end gate started up then made a sudden fall. Thereafter, the other employees present stated that it did not start up but only fell. The Claimant on further interrogation said, "I actually don't know how it happened, it happened so quick." While the truck had been in a prior accident there was no showing that the end gate mechanism was damaged.

After the trial Claimant was found guilty on the charge of incorrect operation of control lever. Trial appears to have been fair and responsibility established by substantial evidence and the two weeks' suspension was not arbitrary.

AWARD: Claim denied.

/s/ R. H. Skinner, Jr.  
R. H. Skinner, Jr., Carrier Member

S. V. W. Loehr, Employee Member

/s/ Mortimer Stone  
Mortimer Stone - Chairman