

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 924  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
and  
CHICAGO & NORTH WESTERN TRANSPORTATION COMPANY

Case No. 175

Award No. 156

STATEMENT OF CLAIM: Claim of the System Committee of the  
Brotherhood that:

1. The five-day suspension and disqualification as a machine operator of Common Machine Operator A. B. Canaday was without just and sufficient cause, excessive, unduly harsh, capricious and discriminatory (Organization File 6LF-2324D; Carrier File 81-90-10).

2. Claimant A. B. Canaday shall now be allowed the remedy prescribed in Rule 19(d).

FINDINGS:

The Claimant was employed as a machine operator and was operating a boom truck. He parked the truck between two motel sections where low wires were hanging. Because of the Claimant's negligent action, a cable television wire and a 240 volt electrical wire were dislodged. As a result of the Claimant's alleged wrongdoing, he was brought to hearing on a charge of improper work performance. After the hearing, he received a five-day suspension and was disqualified as a machine and vehicle operator.

The parties being unable to resolve the issues, this matter came before this Board.

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 finding that the Claimant violated safety rules by

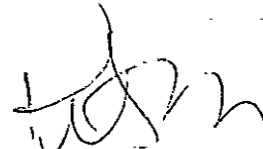
not properly looking out for wires that might be in the way of his boom truck. His failure to properly perform his job led to the damage that occurred. The Carrier was well within its rights to issue discipline to him.

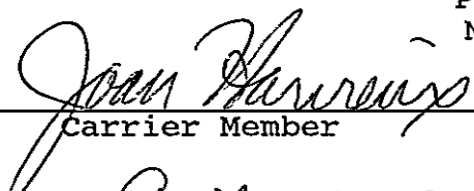
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

In the case at hand, the Claimant received a five-day suspension and a disqualification from his job. Given the nature of the offense, this Board cannot find that the action taken by the Carrier was unreasonable, arbitrary, or capricious. Therefore, the claim will be denied.

AWARD:

Claim denied.

  
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PETER R. MEYERS  
Neutral Member

  
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Joan Harreux  
Carrier Member

  
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H. B. Bantel  
Organization Member

Dated: April 24, 1992