

Award No. 162
Case No. 165
System Docket No. CR-4073-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of 20 days suspension assessed H. W. Spradling in connection with being charged with violation of General Rule 23-C of the Safety Rule Book S-76, which resulted in him sustaining a personal injury at the Canton MW Shop.

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:

Sustained. Record vague and fraught with "possibilities" of avoiding the accident with no positive avoidance solution given.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 28 day of Feb, 1988.