

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

**Award No. 14171  
Docket No. 14045  
16-2-NRAB-00002-150010**

The Second Division consisted of the regular members and in addition Referee Lamont E. Stallworth when award was rendered.

**PARTIES TO DISPUTE:** (Brotherhood Railway Carmen-Division of TCU/IAMAW  
(The BNSF Railway Company

**STATEMENT OF CLAIM:**

- “1. That the Burlington Northern Santa Fe Railroad Company violated the terms of our controlling agreement when, on December 4, 2013, the Carrier improperly issued discipline to Great Falls, Montana Carmen Jerod Oftedahl, as a result of an investigation held on November 15, 2013.
- “2. That, accordingly, the Burlington Northern Santa Fe Railroad Company shall be required to remove Level S – 30 day record suspension with a three (3) year review period that commences on December 4, 2013, issued by letter dated December 4, 2013, and all other record of this unjust and improper discipline shall be expunged from his personal record.

**FINDINGS:**

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

This dispute arose when, on September 22, 2013, the Claimant had completed his third shift assignment as a Carmen at the Great Falls, Montana train yard and agreed to stay over into first shift to assist in the completion of a coal train on Track 110. The Claimant agreed to lock and line the switch on the east end of Track 110 and apply blue signal protections there, while his coworker did the same at the west end. At approximately 11:00 A.M. the Claimant reported that he had completed these tasks, whereupon he clocked out and went home.

Shortly thereafter, the Claimant's coworker began lacing up the coal train from the west end of Track 110. The train then began to roll east and, before it could be brought to a stop, approximately 12 cars had rolled through the east end switch that the Claimant was supposed to have lined and locked.

The Claimant was responsible for establishing protection to the east end of Track 110, and reported that he had done so. However, the evidence indicates that he failed to do so. In a situation such as this, Rule S-24.2.3 required that the Claimant manually line the switch against movement onto the track, secure the switch with an effective locking device, and place a blue signal at the switch. Had such measures been taken, as the Claimant reported they had, the twelve cars would not have rolled through as they did.

Despite the suggestion of the Organization, no evidence indicates that other employees were in the area and possessed the necessary keys so that they might have altered the switch after the Claimant had properly lined and locked it.

In addition, very little time elapsed between the time when the Claimant reported that he had lined and protected the switch and the time when the twelve cars rolled through the switch.

In short, the record indicates that the Claimant failed to perform the tasks for which he was responsible and improperly reported that he had done so. Accordingly, the Board finds that the discipline was not unjustly or improperly issued to the Claimant, and that the Claim must be denied.

**Form 1  
Page 3**

**Award No. 14171  
Docket No. 14045  
16-2-NRAB-00002-150010**

**AWARD**

**Claim denied.**

**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division**

**Dated at Chicago, Illinois, this 20th day of December 2016.**