

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25353
Docket Number TD-25171

Robert W. **McAllister**, Referee

(American Train Dispatchers Association

PARTIES TO DISPUTE: {

(**Boston** and Maine Corporation

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

Request that the discipline of 10-days suspension plus 24 demerits assessed Train Dispatcher **J. P. McGill** in Notice No. 16 of Discipline Record dated **December** 23, 1981 be revoked, that the charges be dropped and never referred to again, that Mr. McGill's discipline record be cleared and that he be compensated for any and all expenses and losses in connection with this matter.

OPINION OF BOARD: The Claimant, **J. P. McGill**, a Train Dispatcher with seniority as such since September 15, 1972, was, after an investigation, issued a ten (10) day suspension plus twenty-four (24) demerits for accepting an improper train order and for failing to take corrective action while on duty on October 9, 1981. On that day, a lap situation was created at 0722 hours. The Claimant went to work at 8:00 A.M. in relief of the third trick **Conn** River District Dispatcher. At the hearing, Claimant acknowledged he should have immediately looked at all the orders being transferred to him. He did not do so until approximately 0945 due to the press of other factors and duties.

The essence of the Claimant's failure to review the transferred orders is that Train Order 210 completed at 0722 created a possible head-on collision. While the Claimant is certainly not responsible for creating this dangerous circumstance, the care entrusted to a Train Dispatcher obliges that individual to scrupulously follow Operation Rules. In situations such as an overlap, these Operation Rules act as checks and balances guarding against human error. This is precisely why transferred orders must be immediately reviewed. As the Claimant testified, his belated review at 0945 resulted in his realization that Train Orders 208 and 210 had overlapping authority. Eased on the record as a whole, the Board finds the Carrier's actions are supported by a preponderance of the evidence adduced.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Pover - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1985.