

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26513
Docket Number TD-26160

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (American 'Train Dispatchers Association
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"System Docket No. CR-219
Southern Region-Columbus Division

Appeal from discipline of ten (10) days' suspension assessed Train Dispatcher James **T. Cosgrove**, requesting that it be rescinded and stricken from his personal record."

OPINION OF BOARD: This is a case concerning the Claimant's role in and responsibility for his part in authorizing certain train movements. Essentially, this case involves a charge that the Claimant was responsible for authorizing two trains to be on the same section of track heading toward each other.

The Organization has raised a number of procedural and due process issues which it asserts should **serve** to set the discipline aside. **While** we understand the Organization's contentions, our review of these matters leads us to conclude that the Claim is properly before us on its merits.

With respect to these, during the Investigation, the Claimant admitted that he did not comply with Rule 317, the Rule generally controlling in this case. As best can be determined, the one train authorized to move from South Charleston to the yard limits at Institute Station. The other train was authorized to **move** on the same track from Nitro Station to the yard limits, pursuant to Carrier's requirements, train movement was to have been made at yard speed and these movements were under the control of other parties, rather than the Dispatcher.

While we do not minimize the seriousness of the Claimant's transgression, after considering all the circumstances, the Board reduces the discipline to a five-day suspension.

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 Employes involved in this dispute are respectively Carrier and Employes 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

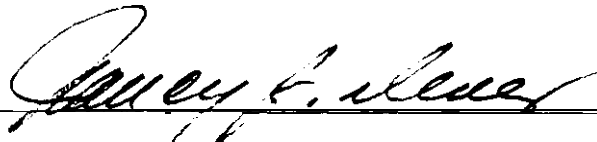
That the discipline ~~was~~ excessive.

A W A R D

Claim sustained ~~in~~ accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

A handwritten signature in dark ink, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of September 1987.