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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 33213
Docket No. SG-34062
99-3-97-3-551

The Third Division consisted of the regular members and in addition Referee John H. Abernathy when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Union Pacific Railroad Company (former Chicago &
(North Western Transportation Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago & North Western Transportation Co. (CNW):

Claim on behalf of A.E. Alexander to be made whole for a time and benefits lost as a result of his suspension from service from March 6 to April 4, 1996, and for any reference to this matter to be removed from his personal record, account Carrier violated the current Signalmen's Agreement, particularly Rule 51, when it failed to provide the Claimant with a fair and impartial investigation and imposed harsh and excessive discipline without meeting the burden of proving the charges against him. Carrier's File No. 1013002D. General Chairman's File No. S-AV-252. BRS File Case No. 10299-CNW.”

FINDINGS:

The Third 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.

Claimant, A. E. Alexander, was employed and assigned to the Signal Department where he worked in various capacities. In February 1996 he was a Lead Signal Maintainer.

On the morning of February 15, 1996 Claimant, along with the District Signal Foreman and a Signaller, was working on the signal circuit involving No. 3 track at the Grace Street crossing. The Foreman and the Signaller were installing "dummy loads" while Claimant was in the Grace Street bungalow monitoring the Harmon HXP-1 Highway Crossing Processor. That processor controlled the activation of grade crossing gates which involved Track No. 2 at Grace Street crossing.

At approximately 11:25 A.M., when Train 8632 East DRPRP proceeded through Grace Street crossing on No. 2 track, the grade crossing gates did not activate. The train crew notified the Manager Signal Maintenance via radio. The Manager contacted the train crew via radio and confirmed the activation failure.

Shortly thereafter, the Signal Operations Center (SOC) in Omaha advised that a pedestrian had notified SOC that the Grace Street crossing gates had not activated at 11:25 and the pedestrian alleged to have been almost struck by the train.

The Organization's appeal of this matter was that the activation failure was not all the fault of Claimant and that the discipline was excessive. The Carrier has argued that it was Claimant's improper action that caused the activation failure and such warrants discipline.

The Hearing record demonstrates that the Claimant was totally and solely responsible for the crossing gate activation failure and that the discipline imposed was in accordance with Carrier's disciplinary policy. There is no basis for this Board to disturb the Carrier's disciplinary action.

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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 Third Division

Dated at Chicago, Illinois, this 21st day of April 1999.