

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25354
Docket Number TD-25174

Robert W. McAllister, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association
(
(Boston and Maine Corporation

STATEMENT OF CLAIM:

Request that the discipline of a Letter of Reprimand dated December 23, 1981 be removed from Train Dispatcher R. P. Marcoux's Personnel Record, that the charges be withdrawn and never referred to again, and that Mr. Marcoux be compensated for all expenses and/or losses related to this matter.

OPINION OF BOARD: The Claimant, R. P. Marcoux previously worked for the Carrier, and after a seven (7) year break established his current seniority on April 6, 1979, as a clerk. On October 25, 1980, he became a Train Dispatcher. A little over a year later, Claimant was charged with failing to observe high reading in Hot Box Detector Graph for Car UTLX 97095, 73rd Head Car, Train LAME 19B, November 19, 1981, as it passed over detector at Hoosick, New York. This failure resulted in a journal burning off at Scotia, New York, and derailed the train.

The record reveals that the Claimant was familiar with the hot box detectors and understood how to read the tapes produced. On the day in question, the Claimant acknowledged he was the individual who took the tape off the machine immediately after it generated information on Train LAME 19B. He put it on the desk and looked at it, but did not notice the high reading. We recognize that dim lighting and the light print out testified to may have been factors. Nevertheless, Claimant was able to see the high reading at the hearing and had he difficulty with his vision on November 19, 1981, he should have taken appropriate measures to insure a proper reading in that he was responsible for the monitoring in order to assure operational safety. This Board is impressed with the candor and clarity of Claimant's testimony, but, under the circumstances outlined above, it cannot interfere with Carrier's issuance of a Letter of Reprimand since it is supported by credible and substantial evidence.

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 Employee involved in this dispute are respectively Carrier and Employee 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. Lever - Executive Secretary

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