

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 27136  
Docket No. TD-27392  
88-3-87-3-41

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

PARTIES TO DISPUTE: (American Train Dispatchers Association  
(Norfolk and Western Railway Company

STATEMENT OF CLAIM:

"We ask that the discipline assessed [30 days actual suspension] be withdrawn, Mr. Shea be paid for all time lost and all mention of this incident be removed from his personal record." [Carrier file TD-FTW-86-100].

FINDINGS:

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

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

Claimant Shea, has been employed by Carrier for 24 years. He became a Train Dispatcher in 1974.

On April 2, 1986, he worked the first shift as a Train Dispatcher, Fostoria-Chicago Districts. On April 14 he was notified to report for investigation of charges of failing to comply with Rule 533 in that:

" . . . you cleared Train 41GFX at Bellevue, Ohio 9:28 A.M. April 2, 1986 and permitted it to operate onto the Fostoria District after you had issued a line up at 6:20 A.M., April 2 . . . for this District without 41GFX being named on it."

At the investigation Claimant admitted "It was a mistake on my part" when asked why he permitted 41GFX to depart Bellevue knowing it was not on the line up. On April 28, 1986, Claimant was assessed thirty days actual suspension.

The Organization contends Claimant had not been sufficiently trained and was not qualified for assignment on the territory involved. It points to a letter which Claimant had sent to the Chief Dispatcher on December 31, 1985, stating:

"Account not being permitted to adequately familiarize myself with the physical and/or operational characteristics of the territory assigned to my present position, I hereby request to be provided the assistance of a qualified train dispatcher until such time as I can become sufficiently familiar."

At the hearing Claimant's work record was introduced showing he trained for three days on the first trick position on the Chicago-Fostoria District. Chief Dispatcher Chambers testified he felt three days training was adequate for a Dispatcher with Claimant's experience.


The Organization argues that in view of Claimant having been inadequately trained the discipline imposed was excessive.

This Board is unable to agree the record shows Claimant had not been adequately trained. However we do note Claimant's record has apparently been discipline free since his entrance on duty 24 years ago. In view of this record we find the penalty imposed excessive and conclude a 15 day suspension would have been more nearly commensurate with the admitted error.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1988.