

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

PARTIES TO DISPUTE: (American Train Dispatchers Association
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(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

"Appeal of dismissal of Train Dispatcher M. A. Morgan on November 10, 1987, Carrier file DISPR-D-TUC-87-M"

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 employes 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.

The facts in this case are not in dispute. Claimant admitted that she erroneously routed an eastbound AMTRAK train through a crossover in CTC territory. Upon going through the crossover, the train immediately entered a DTC block for which it did not have authority to operate. Such authority was held by a westbound train. The AMTRAK train had authority to work in a parallel, but different block which it would have entered had it continued straight instead of going through the crossover.

As a result of her actions, Claimant was suspended for 30 days, but allowed to return to service several days early. The Organization contends that Claimant was not guilty of the charge against her, which reads:

"...your allegedly creating a hazard of accident by clearing Train #2 by signal indication into an occupied DTC block at Vale crossovers at approximately 11:20 a.m., Saturday, October 24, 1987 while you were assigned first trick North Dispatcher, Position #760, assigned hours 8:00 a.m. to 4:00 p.m."

The basis for the Organization's objection is that the signal indication only gave the AMTRAK train the authority to pass through the crossover and not to enter the DTC block. The engine crew on the AMTRAK train, however, mistakenly believed that they had the authority to work in the DTC block against the current of traffic. For this reason, they did not question the signal which led them there. It is noted that the DTC block starts only two-tenths of a mile from the signal.

Under the circumstances in this case, Claimant's action of clearing the train through the signal had the inevitable result of putting the train into the wrong DTC block. The charge, therefore, was proven. It is fortunate that Claimant caught her mistake quickly.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Devitt - Executive Secretary

Dated at Chicago, Illinois this 10th day of August 1989.