

The Third Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(The American Railway and Airway Supervisors Association:  
(A Division of TCU

PARTIES TO DISPUTE: (

(The Long Island Railroad Company

STATEMENT OF CLAIM: "It is the Claim and request of the Petitioning Organization that:

1. Carrier acted in an unwarranted and unjust manner when they assessed discipline in the form of 30 days actual suspension and disqualification from all movement bureau positions to Ms. J. K. Campbell following hearing held September 11/15, 1986 on charges of violating Rule 220.

2. Because of this violative action, Carrier be required to restore Ms. Campbell to her former position, pay her for all lost wages, and clear her record of all reference to the charges."

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 employees 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 was assigned to the Carrier's Road Movement Bureau. She was issued a thirty (30) day suspension and disqualified from all Movement Bureau positions for allegedly issuing improper train orders to Trains 3 and 6 on August 27, 1986.

The record establishes the Claimant admitted she issued Orders #2 and #5. Order #2 directed Train 6 to meet Train 3 at PD. Order #5 gave Train 3 rights over Train 6, PD to Y. These Orders were conflicting in nature and gave both Trains 3 and 6 simultaneous, opposing rights on the main. Notwithstanding, the Organization contends the testimony of the Chief Dispatcher was improper because his testimony was contradictory. This Board notes the Chief Dispatcher was only consulted on Order #5 and had no knowledge of the contradictory Order #2. The Board further notes that each Order on its own was proper, but together produced a violation of Rule 220.

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Award No. 28201  
Docket No. MS-28359  
89-3-88-3-247

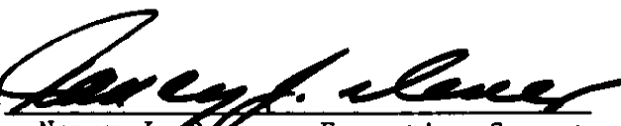
This Board concludes the evidence of record establishes the Claimant's guilt. We agree with the Carrier that the Claimant's job is sensitive and one error in judgment can have disastrous results. Accordingly, we find no basis to disturb the Carrier's assessment of discipline and disqualification of the Claimant.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 20th day of November 1989.