

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32205
Docket No. TD-32732
97-3-96-3-35**

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

**(American Train Dispatchers Department/International
(Brotherhood of Locomotive Engineers
PARTIES TO DISPUTE: (
(Chicago and North Western Transportation Company**

STATEMENT OF CLAIM:

“I respectfully request that you consider this appeal and find in favor of the Appellant. We specifically request that you allow compensation for all lost time, lost benefits, and expenses incurred in attending the investigation and removal of any references to this discipline from Appellant's personal record.”

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.

On December 21, 1994, Claimant Love failed to issue slow orders to two trains, allowing these trains to proceed at more than ten miles per hour over speed restricted trackage. At the Investigation on the charge Claimant admitted that he failed to issue the orders, as required. Following the conclusion of the Hearing, Claimant was issued

an actual three day suspension. The Organization has appealed the suspension to this Board on a variety of procedural grounds.

The Board has considered each and every one of the procedural arguments advanced by the Organization in this matter. We find them to lack merit and are not persuaded that they are sufficient to overcome the substantive merits of this matter, the charge and his admission that he failed to properly perform the duties of his assignment as a Train Dispatcher.

Therefore, the claim will be denied.

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 17th day of September 1997.