

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43993
Docket No. MW-45316
20-3-NRAB-00003-190134**

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

**(Brotherhood of Maintenance of Way Employees Division –
(IBT Rail Conference**

PARTIES TO DISPUTE: (

(Dakota, Minnesota & Eastern Railroad Corporation

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The discipline [twenty (20) day suspension – five days served/fifteen (15) days deferred] of Mr. K. Monroe, by letter dated October 30, 2017, in connection with allegedly failing to give a roll by inspection of a passing train in violation of GCOR 6.29.1 – Inspecting Trains at Mile Post 20 on the Marquette Subdivision on August 16, 2017 was without just and sufficient cause (System File B-1734D-210/USA-BMWED_DM&E-2017-00121 DME).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant K. Monroe shall have this event expunged from his record and he must be compensated for all wage and benefit loss suffered as well as for any expenses resulting from his roundtrip travel to and from the September 7, 2017 investigation.”**

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.

This is a companion case to Docket No. MW-45314. For the reasons set forth in that Award, we find that the Claimant should be paid for time lost, but the record suspension of 20 days remains on his personal file.

Claim sustained only to the extent set forth in the above Findings.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 5th day of March 2020.