

PUBLIC LAW BOARD NO. 1760

Award No. 119

Case No. 119

Carrier File MW-FTW-84-26

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Norfolk and Western Railway Company

Statement  
of Claim: R. L. Mathis-10 day suspension for failure to properly  
inspect switches.

Findings: The Board has jurisdiction of this case by reason of the  
parties Agreement establishing this Board therefor.

A derailment occurred on December 29, 1986 at Olive  
Yard in South Bend, Indiana at the No. 1 track switch point  
while shoving four cars. Another derailment, occurred at  
the same #1 track switch, 7 days later, on January 5, 1987  
involving another train. Again 4 cars were derailed.

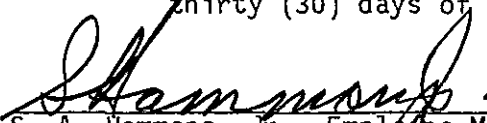
As a result of the investigation held on the  
derailments a conclusion was reached that they occurred  
because the switch point leading to the #4 track opened  
under load on account of insecure stock rail.


Carrier cited the Claimant, R. L. Mathis, who was the  
Section Foreman at South Bend Yard, to a formal  
investigation to determine his responsibility in connection  
with both derailments. As a result thereof, the Claimant  
was assessed the discipline here appealed. In addition the  
Roadmaster also received 14 days suspension for his  
responsibility.

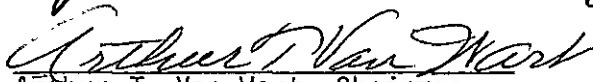
Upon review of the entire record, it was determined  
that the discipline should be modified to a 5 day  
suspension.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within  
thirty (30) days of date of issuance shown below.

  
S. A. Hammons, Jr., Employee Member

  
E. F. Miller, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member