

PUBLIC LAW BOARD NO. 1760

Award No. 149

Case No. 149  
File MW-DECR-92-78

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

Statement

of Claim: Claim on behalf of J. L. Dowell requesting removal of a thirty-day actual suspension from service and pay for time lost, as a result of discipline assessed following formal investigation held on February 4, 1993, in connection with his turning over the crane he was operating while attempting to unload a cribber machine from a flatcar.

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

The Claimant, a Burrough Crane Operator, as a result of an incident on July 29, 1992, was required to attend a formal investigation on the charge:

"...to determine the facts and place your responsibility, if any, for the incident on July 29, 1992 when the crane you were operating at North Kansas City turned over while attempting to unload a cribber machine from a flat car. You will be charged with failure to follow instructions in violation of Operating Rules 1540 and 1541...."

Carrier concluded therefrom that Claimant was culpable. He was assessed a 30 day actual suspension from service as discipline therefor.

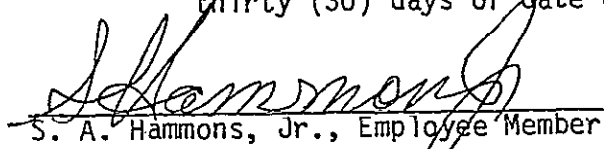
Claimant was accorded the due process to which entitled under his discipline rule.

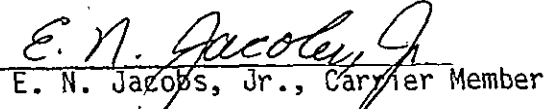
There was sufficient evidence adduced to support the conclusions of Carrier as to the culpability of the Claimant.

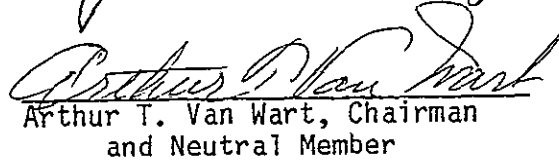
There are circumstances mitigating the discipline which shall be reduced to 15 days.

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. N. Jacobs, Jr., Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued July 30, 1994.