

PUBLIC LAW BOARD NO. 2142

Award No. 22

Docket No. 1161

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Illinois Central Gulf Railroad

Statement

of Claim: The 10 day suspension of Mr. H. J. Granier was without just and sufficient cause. Mr. Granier be paid for all time lost because of the violation referred to within Part (1) hereof.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 23, 1978, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant attended an investigation, held on October 13, 1977, in connection with the charge:

"To determine the facts and your responsibility, if any, in connection with your allegedly standing in your gang's motor car while it was moving on October 3, 1977 at approximately 1:00 p.m. in Mare's Yard."

As a result thereof, Claimant was found guilty of a violation of Rule 648 and was suspended from service for 10 days. Such suspension, incidentally, represented the amount of time that Claimant had been held out of service pending the investigation.

Rule 648 in pertinent part reads:

"Employees must not get on or off moving cars except in an emergency. All occupants must be seated while track cars are in motion and must keep constant look-out."

Claimant pleaded guilty to the charges made when he stated:

"It happened the way they said it happened. I was standing on the motor car to get off while it was still moving."

An admission of guilt generally leaves only room for a question of the discipline to be assessed.


Consequently, our consideration is limited to the degree of discipline imposed. The circumstances involved in the incident, the past laxness to enforcement of Rule 648 and Claimant's service record causes the Board to conclude that a 5 day suspension would have been reasonable discipline. Therefore, the discipline assessed is reduced thereto.

Award: Claim disposed of as per findings.

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


J. P. Paloni, Employee Member


M. J. Hagen, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member