

Award No. 16
Case No. 16

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. Demotion of Track Repairman W. B. Neville from Rank 1 to Rank 3 was without just cause and on the basis of unproven charges.
2. Claimant's seniority in Rank 1 shall be restored unimpaired and he shall be reimbursed for any and all monetary loss suffered from the date of demotion to the date his seniority in Rank 1 is restored.

FINDINGS:

After a hearing had been held in the matter, claimant was demoted from Track Foreman to Rank 3 for leaving track that he worked on in an unsafe condition. No reversible procedural error is found in the record.

On the night in question, claimant had been instructed to have his gang install switch ties in the south end

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of the shop track switch at Radnor Yard in Nashville.

A derailment occurred after the gang had left work. According to Foreman Anderson and Assistant Roadmaster Phillips, their investigation established that it resulted from tight gage which caused equipment as light as a caboose to be derailed. From their testimony, it appears that the rail on the new ties had been spiked too tight.

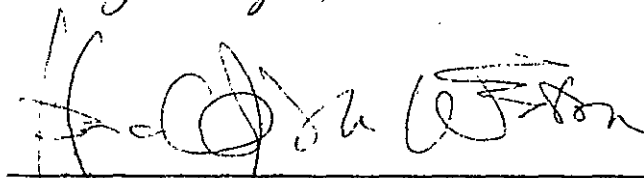
No justification is perceived for disturbing Carrier's findings or disciplinary action, particularly in view of the expertise of the above named witnesses and its responsibility for operating the railroad in a safe and efficient manner.

AWARD:

Claim denied.

Adopted at Louisville, Kentucky,

January 7, 1980.


Harold M. Weston, Chairman


Carrier Member


Employee Member