

PUBLIC LAW BOARD NO. 2366

AWARD NO. 8

CASE NO. 16

CASE #1243 MW

FILE: MO-24-T-78

PARTIES TO DISPUTE

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

"Claim of Mr. B. J. Jennings for pay for each work day missed during 90 day suspension, beginning July 21 and continuing to October 18, 1978."

OPINION OF BOARD

The Claimant was patrolling tracks on July 5, 1978, and at 1:15 p.m., he collided with Train 1/92. Subsequent to a formal investigation, he was assessed a 90 day suspension.

The Organization points out that on the day in question the Claimant was concerned with the operation of Train 92, and he had requested that the Operator make certain contact with the Train Dispatcher. Regardless of the fact that the Claimant may not have received full cooperation from his fellow employees, he did proceed improperly and contrary to Carrier's rules. The train order was changed, and there was a collision. Claimant's reliance upon a "line-up" was, of course, misplaced and he should have known that line-ups are not train orders. The evidence also indicates that the Employee did not seek to make radio contact with other traffic.

While the suspension was rather lengthy, we cannot say, under all of the circumstances, that it was arbitrary.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

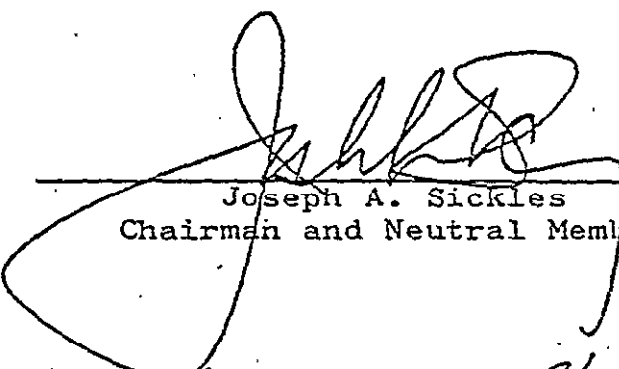
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

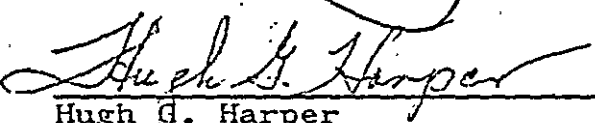
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

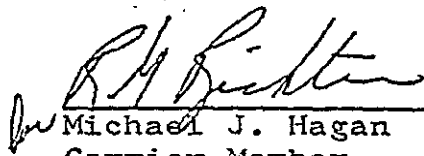
Claim denied.



Joseph A. Sickles  
Chairman and Neutral Member



Hugh G. Harper  
Organization Member



Michael J. Hagan  
Carrier Member

6-9-80

DATE