

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

1. The Carrier failed to sustain its charges against Section Foreman Albert R. Azzano that he was in violation of certain specified Carrier Operating Rules on May 15, 1968, when the derailment of Train TC-1 occurred at South Broadway Street grade crossing, Geneva, Ohio.

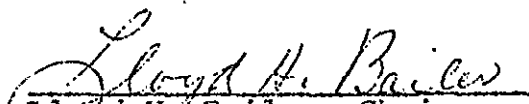
2. The Carrier shall now reimburse Section Foreman Albert R. Azzano for all time lost while serving a twenty days actual suspension and that his record be cleared.


OPINION OF BOARD:

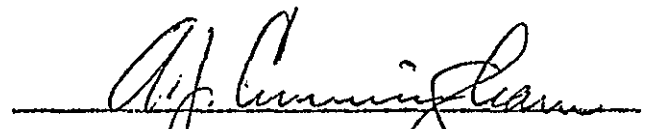
The evidence does not sustain the charge that Claimant Azzano committed a dereliction of duty which contributed to the derailment in question. Moreover, at about Noon--approximately two hours before the derailment occurred--claimant checked the track and found it in satisfactory condition. The claim will be sustained

AWARD:

Claim sustained.


Lloyd H. Bailer, Chairman


E. G. Psolla, Carrier Member


A. J. Cunningham, Employee Member

Dated: July 13, 1971