

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

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

2. The Carrier shall now make whole, Section Foreman Fred Vanek for all wage loss suffered by him and that his record be cleared of these charges, with all other rights unimpaired.

OPINION OF BOARD:

While the evidence discloses that Claimant Vanek bore some responsibility in connection with the derailment, we are of the view that a sixteen month disciplinary suspension was an excessive penalty under the circumstances. A six month suspension was a sufficient penalty for claimant's dereliction. The award will so hold.


AWARD:

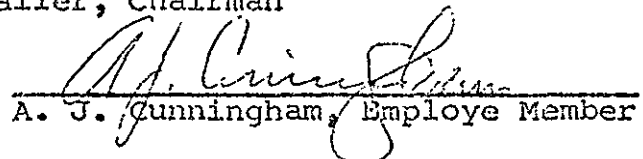
Claimant's suspension shall be reduced to a duration of six months and he shall be made whole for pay lost beyond that period.

ORDER:

Carrier shall comply with this award within 60 days from the date thereof.

  
Lloyd H. Bailer, Chairman

  
E. G. Psolla, Carrier Member

  
A. J. Cunningham, Employee Member

Dated: December 31, 1971