

PUBLIC LAW BOARD NO. 3542

Parties  
to the  
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

CONSOLIDATED RAIL CORPORATION

Case No. 33

*David 30*

STATEMENT OF CLAIM

1. That the discipline imposed upon M. L. Zeigler on July 6, 1984 was arbitrary, excessive and unsupported by the evidence adduced at trial.
2. That M. L. Zeigler's record be cleared of all charges brought against him.

OPINION OF THE BOARD

Claimant M. L. Zeigler was an I & R Foreman at the time of the incident involved here. On June 21, 1984, he was charged as follows:

Your failure to comply with track inspection frequency as prescribed by MW4, Section 213.233, Paragraph C, resulting in an undetected track condition on the New Ramp Track, Enola Yard, resulting in the derailment of train ENPI-7Y on June 17, 1984 at approximately 11:40 P.M.

A hearing was held and Claimant was found guilty as charged. He was assessed a 20-day suspension. He was also disqualified as a Track Patrol Foreman.

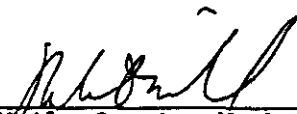
This Board has reviewed the record and agrees with Carrier that Claimant was guilty as charged and that a 20-day suspension is appropriate. We think, however, that Carrier has made its point with Claimant's disqualification as a Track Patrol Foreman.

AWARD

The claim in regard to the 20-day suspension is denied. Claimant shall be requalified as a Track Patrol Foreman.

  
R. E. Dennis, Neutral Member

  
J. Dodd, Employee Member

  
R. O'Neil, Carrier Member

1-30-86  
Date of Adoption