

Award No. 14
Case No. 11

Public Law Board No. 3794

Parties to Dispute:

Brotherhood of Maintenance
of Way Employees

and

Seaboard System Railroad

Statement of Claim:

1. The Letter of Reprimand placed on the personal file of Machine Operator C. Glisson was without just and sufficient cause.

2. Claimant Glisson's record shall now be cleared of the Letter of Reprimand:

Findings:

Claimant entered Carrier's service on October 23, 1978.

On December 13, 1983, Claimant was instructed to take his machine, an Undercutter, to another location since it could not be used that day due to a defective bearing. His instructions were to bring the Undercutter south to a switch at MP 782.3 where, he was informed, a ballast regulator operated by L. Jackson was working north. It was contemplated that upon arrival at that point, the two machines would be brought to Parker Lumber Switch where they would be tied up for the night.

At MP 782, Claimant saw the ballast regulator five or six rail lengths ahead. He did not sound his horn or bring

the machine to an immediate stop by removal of his foot from the gas. Both machines were equipped with a dead-man switch. Claimant was operating the Undercutter at three to four miles per hour and Jackson's machine was proceeding at about three miles per hour.

A collision occurred between the two machines and, after a hearing was conducted in the matter, both operators and Claimant's foreman were issued formal reprimands.

Petitioner points out that the accident occurred while the machines were rounding a curve and that visibility was poor. It maintains that no basis exists for Claimant's discipline.

Petitioner's contentions and the Undercutter's bearing defect notwithstanding, we are not persuaded that this Board should substitute its judgment for that of Carrier in this setting. Claimant was familiar with the condition of his machine and was a trained mechanic. He did not stop the Undercutter when he saw it five or six car lengths before him although he could have done so in less than a car length.

In limiting discipline to a reprimand, Carrier took Claimant's good record of five years service under consideration.

Award: Claim denied.

Adopted at Jacksonville, Florida November 6, 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member