

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

v.

BURLINGTON NORTHERN RAILROAD

STATEMENT OF CLAIM

1. The discipline (thirty days of suspension and restriction from service as a foreman and assistant foreman in the Maintenance of Way Department, B&B Subdepartment) imposed on N. J. Polston for alleged violation of General Rule 'M', Rule 500, Rule 502(B) of the Rules of the Maintenance of Way Department and Rule 567 of the Safety Rules and General Rules was arbitrary, unwarranted and excessive (System File S-P-338/AMWB 86-05-13A).
2. Mr. N. J. Polston's seniority as B&B foreman and assistant foreman shall be restored and unimpaired, his record cleared of the charges leveled against him, he shall be compensated for all wage loss suffered, and he shall be allowed all privileges and benefits he would have enjoyed had he not been disciplined.

FINDINGS

The transcript of this case indicates that the Claimant, Mr. James Polston, was provided a fair and impartial hearing. The photographs, mentioned in testimony but not included with the transcript, do not materially affect the value of the transcript, either for the preparation of an appeal or for the review and decision of this Board. The testimony is sufficient in and of itself.

The record of this case is clear and convincing on the central issue. Mr. Polston was instructed by his supervisor, Mr. Scott Kipperberg, to stay four (4) to six (6) feet clear of specific underground fuel lines when Mr. Polston's crew drove support rails to construct a retaining wall. Nevertheless, under Mr. Polston's supervision, a rail was aligned and driven at a location that struck a fuel line, causing the line to rupture and release thousands of gallons of highly volatile jet fuel. Mr. Polston has provided no credible explanation for his failure to follow Mr. Kipperberg's specific instructions. Mr. Polston was responsible for rupturing the fuel line and creating an extremely dangerous situation.

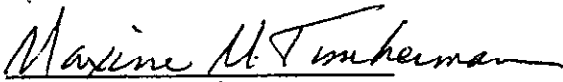
The thirty (30) day suspension and demotion have served their purpose. Mr. Polston shall be restored to service as foreman, effective the date of this Award.

AWARD

The thirty (30) day suspension is upheld; Mr. Polston shall be restored to service as foreman, effective the date of this Award.



Ronald L. Miller  
Chairman and Neutral Member



Maxine M. Timberman  
Carrier Member



Karl P. Knutsen  
Organization Member

3-31-88

Date