

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

v.

BURLINGTON NORTHERN RAILROAD

STATEMENT OF CLAIM

1. The disciplinary demotion of Section Foreman R. E. Wold for alleged violation of Rules 500, 551 and General Rule 'A' was unwarranted, without just and sufficient cause, and on the basis of unproven charges (System File S-P-318C).
2. The Claimant's seniority as a Section Foreman shall be reinstated and unimpaired, his record cleared of the charges leveled against him and he shall be compensated for all wage loss suffered.

FINDINGS

During the evening of August 28, 1984, Mr. Richard Wold was asked by a dispatcher to check on reports of yellow flags being displayed. The record is not clear whether Mr. Wold was asked merely to check on the flags or to actually remove them. Mr. Wold contends that he was told to remove them, which subsequently he did. At the time he removed the flags, Mr. Wold did not know that the flags had been placed because of bridge repair work at that location.

The Organization argues that Mr. Wold had no reason to doubt or question the instruction from the dispatcher.

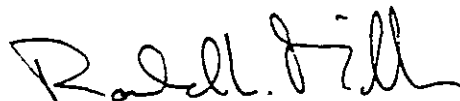
However, Mr. Wold should have had concern regarding the instruction. He testified that he knew bridge repair work was occurring at that location on that date. Without checking into the situation in any way, Mr. Wold removed the flags.

Even if the dispatcher had instructed Mr. Wold to remove the flags, Mr. Wold was not relieved from the responsibility of prudently carrying out his duties. Given his knowledge of the situation, Mr. Wold should have inquired into why the flags had been placed.

Given the circumstances of this case and Mr. Wold's past record, discipline has served its purpose. Therefore, Mr. Wold shall be restored to foreman status as of the date of this Award. Mr. Wold shall not be paid for lost wages during the period of his demotion.

AWARD

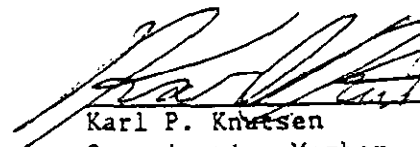
Mr. Wold shall be restored to foreman status as of the date of this Award. Mr. Wold shall not be paid for lost wages during the period of his demotion.



Ronald L. Miller
Chairman and Neutral Member



Maxine M. Timberman
Carrier Member



Karl P. Knutsen
Organization Member

3-31-88

Date