

Award No. 508  
Case No. 508

PUBLIC LAW BOARD NO. 5383

BROTHERHOOD OF LOCOMOTIVE ENGINEERS )  
 )  
 vs. ) Parties to Dispute  
 )  
 UNION PACIFIC RAILROAD COMPANY )

STATEMENT OF CLAIM:

Claim in behalf of Engineer R. H. Horn, Union Pacific Railroad former Chicago and North Western Transportation Company, for compensation for all lost time including time spent at the investigation and that this incident be removed from Claimant's personal record when he was investigated on the following charge:

"Your responsibility in connection with exceeding the speed limit at Mile Post 37.2 to Mile Post 37.5 on the Trenton Sub, while your train, the Extra 6871 North, was detected by radar operating at 32 miles per hour in a 10 mile per hour speed restriction at this location, while employed as crew members on this extra on Thursday, May 10th, 1984 at approximately 10:00 A.M."

## FINDINGS

Upon the whole record and all the evidence, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that the Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

Claimant Engineer was found responsible for exceeding the speed limit by twenty-two (22) mph in a ten (10) mph zone. He was disciplined with sixty (60) days suspension.

The Employees admit that Claimant failed an efficiency test but contend that the penalty is too severe.

Claimant admitted that he had overlooked the slow order. It was stated at the investigation, however, that yellow boards required by the rules to mark slow territory were not in place. It was also noted that the train order was white rather than yellow as required.

Taking the above into account as well as Claimant's eighteen (18) years of service with only two (2) minor disciplinary entries, the Board finds that the discipline assessed here was excessive. It will be reduced to thirty (30) days suspension.

AWARD

Claim is sustained, in part, as indicated above.

ORDER

The Carrier is ordered to make this Award effective within thirty (30) days from the date shown below.

B. H. Kane Arthur  
Employee Member

W. J. Gonsala  
Carrier Member

W. J. Kelly  
Chairman and Neutral Member

Dated: Feb 20, 1958