



Claimant Engineer was the only member on his crew charged with the violation, which is basis for reversal, according to the Employees, as the conductor is also liable under the rules.

An identical speeding case was decided in Award 12 of Public Law Board No. 2533 (Weston). It was held as follows:

"While an employee generally cannot evade responsibility..... because other employes may also be at fault..... substantial discipline is not appropriate where a marked disparity of treatment..... is clearly established by the record. We are disposed to give the Carrier considerable latitude in assessing discipline for train movements because of its enormous responsibilities for safety. On the basis of the present record, however, we are satisfied that the claim must be sustained and the discipline set aside."

Under the dictum of the decision quoted above, we find similarly.

AWARD

Claim is sustained.

ORDER

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

B. D. MacArthur  
Employee Member

[Signature]  
Carrier Member

[Signature]  
Chairman and Neutral Member

Dated: 1-5-98