

Award No. 534  
Case No. 534

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 J. S. Marusarz, 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 for your failure to protect your assignment as pool engineer, when you failed to be available when called for 8606 West (KSNAX 016) on duty 0730 at South Morrill on December 17, 1993."

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 was found responsible for failure to protect assignment when he failed to be available when called. He was disciplined with ten (10) days suspension.

The record in this case shows that the crew caller attempted to telephone Claimant one time. Phone usage records submitted by the Employees, and not disputed by the Carrier, do not indicate that Claimant's number was called on date in question.

Under the circumstances stated above, the Board finds that the discipline assessed was without adequate foundation. The claim has merit.

AWARD

Claim is sustained.

ORDER

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

B. L. Inman Arthur  
Employee Member

W. J. Gonzales  
Carrier Member

D. C. Kelly  
Chairman and Neutral Member

Dated: 3-20-58