

Award No. 548

Case No. 548

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. L. LaForest, Union Pacific former Chicago and North Western Transportation Company, for compensation for all lost time including time spent at the investigation and that incident be removed from Claimant's personal record when he was investigated on the following charge:

"Your responsibility for failure to make proper air brake test on pick up at Queens Siding between 5:24 P.M. and 5:59 P.M., Central Daylight Time, April 18, 1989 while you were employed as crew members of Extra 6928 East which commenced duty at Escanaba at 1:30 P.M., Central Daylight Time, on April 18, 1989."

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 failure to make a proper air brake test on a pick up at Queens Siding. He was disciplined with five (5) days suspension.

The transcript indicates that two (2) supervisory employees observed how the crew performed during the pick up in question. While it appears that the crew might have been taking short cuts not provided by the rules, some of the critical testimony of the Engineer was unclear since "inaudible" was transcribed. On this basis we find that the case against Claimant was not firmly established. The suspension will be set aside.

AWARD

Claim is sustained.

ORDER

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

B. H. Lee Arthur
Employee Member

Alf Dinala
Carrier Member

J. Kelly
Chairman and Neutral Member

Dated: 3-20-98