

Award No. 567  
Case No. 567

PUBLIC LAW BOARD NO. 5383

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

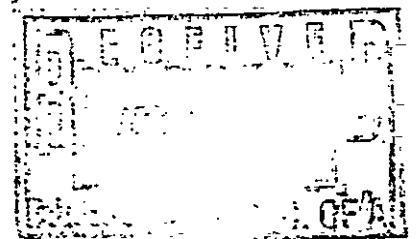
STATEMENT OF CLAIM:

Claim in behalf of Engineer D. W. Stegena, 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 properly perform your duties in connection with the delay to your assignment at about 0030 hours on September 16, 1992 while employed as crew member on Job YYE12 on duty 2330 hours on September 15, 1992 at Clinton, Iowa."

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 properly perform his duties and with delay to his train. He was disciplined with five (5) days suspension.

The essential facts are that Claimant stopped his engine at initial terminal so that he could get ice and water for the trip. According to his testimony, the total time consumed was about ten (10) minutes.

Based upon the entire record here, the Board finds that the claim has merit. The problem began when the engine was not supplied before Claimant took charge of it.. If Claimant was expected to get supplies he should have been told when and how to do it. If he was correcting an omission by another person, he should not be faulted for taking a few minutes to get what was necessary at the beginning of his trip.

The discipline assessed in this case was not justified.

AWARD

Claim is allowed.

ORDER

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

B. W. Ince Co. Thru.  
Employee Member

W. J. Gonzales  
Carrier Member

J. P. [Signature]  
Chairman and Neutral Member

Dated: 4-24-58