

Award No. 572
Case No. 572

PUBLIC LAW BOARD NO. 5383

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

STATEMENT OF CLAIM:

The Brotherhood of Locomotive Engineers Union Pacific Railroad former Chicago and North Western request the Division compensate Engineer J. A. Bahr, Des Moines District, for removal of fifteen (15) day actual suspension from Claimant's service record and compensation for all time lost in connection with investigation held on January 3, 1985 regarding the following charge:

"Your responsibility in connection with the delay to your assignment at West Des Moines, Iowa, while you were assigned as crew members on YYMO4 at approximately 11:00 P.M. on Thursday, December 27, 1984."

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 in connection with delay to a yard assignment at West Des Moines, IA. The discipline assessed was fifteen (15) days suspension.

The essential facts are that a supervisory employee observed the crew doing nothing from 11:05 p.m. to 11:25 p.m. when there was work to be done while waiting for a relief crew to arrive. Claimant and crew were on overtime while being observed.

The Board has thoroughly reviewed the record in this case and we find there is not an adequate basis for finding the Engineer at fault, which is our only concern in the case. We make no finding concerning any other crew member, but it is not shown convincingly that the Engineer did other than as instructed. It is striking that the only questions addressed

to Claimant Engineer occurred at the beginning of the investigation when asked as to his readiness to proceed and at the end concerning whether the hearing was fair and impartial.

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. MacArthur
Employee Member

W. J. Senger
Carrier Member

W. Kelly
Chairman and Neutral Member

Dated: 5-22-98