

AWARD NO. 18  
CASE NO. 18

**PUBLIC LAW BOARD NO. 5943**

**PARTIES     )**     **BROTHERHOOD OF LOCOMOTIVE ENGINEERS**  
**TO            )**  
**DISPUTE     )**     **UNION PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM**

Claim on behalf of Engineer A. J. Dugosh for removal of Level 2 discipline assessed as a result of an investigation on September 8, 1994 for failing to stop his train, resulting in a collision.


**OPINION OF BOARD**

Claimant was assessed a Level 2 discipline in connection with a sideswipe on May 21, 1994. Car. Exh. C.

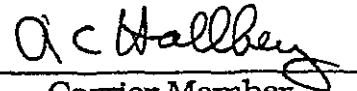
The record reveals, however, that Claimant was performing his duties as instructed by hand signals from his Foreman and switches were lined accordingly and that Claimant was not in a position to have prevented the collision. Substantial evidence therefore does not support the Carrier's decision to impose discipline. That discipline shall be rescinded and Claimant shall be made whole in all respects.

**AWARD**

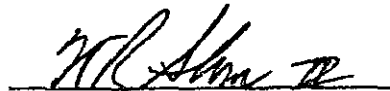
Claim sustained.



Edwin H. Bern  
Neutral Member



Carrier Member  
A. C. Hallberg



Organization Member  
W. R. Slone II

Fort Worth, Texas

Dated: 8/1/98