

PUBLIC LAW BOARD NO. 5959

Case No. 19  
Award No. 19

Brotherhood of Locomotive Engineers)	)	PARTIES TO DISPUTE
vs	)	
	)	
CSX Transportation, Inc.	)	

STATEMENT OF CLAIM

Claim on behalf of Engineer T.E. Dawson, ID 010654, for all time lost account being assessed five (5) days actual suspension, commencing August 2, 1995, as a result of investigation held July 11, 1995 at Cumberland, Maryland for the purpose of determining the material facts and placing responsibility, if any, in connection with an alleged injury at approximately 1415 hours, Wednesday, July 5, 1995 at MP BA 270, Hardman, West Virginia.

FINDINGS

This Board finds the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due and proper notice of hearing thereon.

Claimant was assessed a 5-day suspension for his fault in connection with an injury he sustained on July 5, 1995.

The transcript of the investigation held on July 11, 1995 reveals the claimant was exiting the rear door of CSX 79, and when his foot landed on the catwalk he felt a severe pain in his lower back.

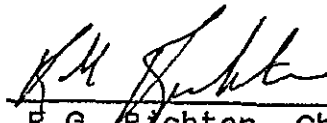
The Carrier has failed to cite a Rule that the claimant violated when the injury occurred. There was no evidence that the claimant descended the stairs in an improper manner.

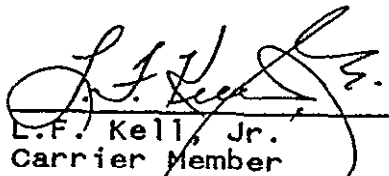
The Carrier has failed to prove the claimant violated any Rules.

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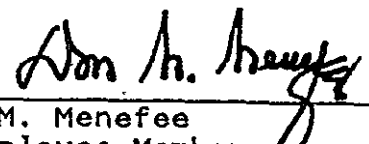
AWARD

Claim sustained. Carrier shall comply with this Award within 30 days of its date.

  
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R.G. Richter, Chairman

  
\_\_\_\_\_  
L.F. Kell, Jr.  
Carrier Member

Dated 3-18-97

  
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D.M. Menefee  
Employee Member