

PUBLIC LAW BOARD 6170
AWARD NO. 53

Parties to Dispute: Union Pacific Railroad Company
and
Brotherhood of Locomotive Engineers

Statement of Claim

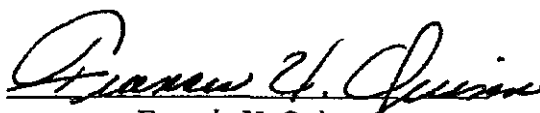
Removal of Level 4 discipline and pay for all time lost associated with the discipline issued to Engineer J.G. McGee in reference to a charge of speeding on other than main track.

Findings

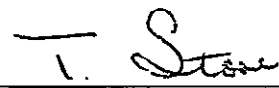
Serious inconsistencies in the event recorder remain unexplained viz. a jump of 12 mph in one second. Claimant cannot be held responsible for a speed reading that does not reflect his actual speed. The Carrier did not meet the burden of establishing a rule violation.

Award

Claim sustained.


Francis X. Quinn
Chair and Neutral Member


Don Hahs
Organization Member


Terry Stone
Carrier Member

Date Jan. 19, 2000
Ft. Worth, Texas