PUBLIC LAW BOARD 6170 AWARD NO. 63

Parties to Dispute:

Union Pacific Railroad Company

and

Brotherhood of Locomotive Engineers

Statement of Claim: Claim of C.R. Hinton for removal of Level 5, permanent dismissal, and

pay for lost wages.

Findings:

There is some question whether efficiency test - red light was placed in a visible line to be seen from Claimant's train. The record indicates he failed to stop and did not observe a red light at the end of the tie. See First Division Award 24877. This Board is persuaded that the train crew did not knowingly run past the red light and serious questions exist concerning the functionality of the test.

We will return the Claimant to duty but without back pay.

Award:

Claim sustained in part.

Chair and Neutral Member

Don M. Hahs

Organization Member

Carrier Member