

PUBLIC LAW BOARD NO. 6284

PARTIES TO DISPUTE:

Brotherhood of Locomotive Engineers

-and-

Burlington Northern-Santa Fe Railway

AWARD NO. 2

CASE NO. 2

STATEMENT OF CLAIM:

It is requested that Engineer Partridge's discipline is reversed and that he be made whole for all time lost resultant from this incident, and that notations on his personnel record are removed.

FINDINGS:

This Public Law Board No. 6284 finds that the parties herein are Carrier and Employee, within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

By letter dated December 17, 1997, the Claimant, Engineer J. W. Partridge, was notified by the Carrier that he was suspended from service for six months for violation of Rule 9.1.15 of the GCOR as follows:

This letter will confirm that as a result of formal investigation on December 3, 1997, concerning your failure to stop for signal displaying stop indication at Williston West at approximately 1622 hours CST on October 16, 1997 while working as Locomotive Engineer on Train S-CHCSEAL-15A, on duty Minot, North Dakota, at 1030 hours CST, October 16, 1997, you are issued a Level S Suspension of (6) six months for violation of Rule 9.1.15 of the General Code of Operating Rules.

Your suspension will begin on October 17, 1997. Any scheduled vacation, leave of absence, or furlough during this time will extend your suspension by the corresponding number of days that fall within the suspension period. You will be reinstated at 0001 hours, Wednesday, April 15, 1998

This letter will be placed in your personal file. Your signing below serves as receipt of

this Level S suspension.

Respectfully,

s/Donald G. Boespflug
Director Administration

A basis does not exist to set aside the discipline on the procedural points raised by the Organization.

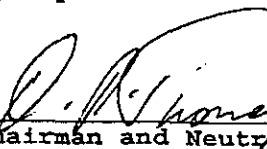
Mr. Partridge failed to stop his train before passing a signal displaying stop indication at Williston West at approximately 1622 hours CST on October 16, 1997 while working as Locomotive Engineer on Train S-CHCSEA1-15A, on duty Minot, North Dakota at 1030 hours CST, October 16, 1997. Substantial evidence of record supports the Carrier's determination that Engineer Partridge was in violation of Rule 9.1.15. The reenactment conducted by the Carrier contradicted the Claimant's account of the incident. Signal Supervisor Jacobson testified that the signal system was tested and found to be without defect. And, the tape recorded log in the bungalow showed that the Claimant continuously had a red signal at Williston West. However, the Board feels that the discipline assessed in the instant case is excessive.

The extent of the discipline assessed in this case reflected a previous Level S 30 day suspension issued by the Carrier on September 5, 1997 as set forth in the May 28, 1998 declination letter from the Carrier's highest designated officer. The September 5, 1997 discipline has been set aside. Accordingly, we shall reduce the six month suspension to a 90 day suspension. We believe such a disciplinary suspension properly reflects the seriousness of the proven violation in the instant case.

AWARD

As per Findings.

ORDER: The Carrier is required to comply with this award within thirty days.


Chairman and Neutral Member


Employee Member


Carrier Member

Dated: Feb. 26, 2001