

PUBLIC LAW BOARD NO. 1760

Award No. 118

Case No. 118

Carrier File MW-FTW-77-13

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Norfolk and Western Railway Company

Statement
of Claim: V. R. Beery-suspended 90 days and disqualified as track
patrolman.

Findings: The Board has jurisdiction of this case by reason of the
parties Agreement establishing this Board therefor.

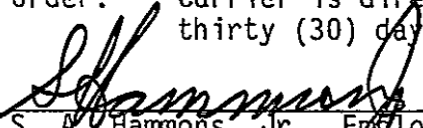
The Claimant was promoted to Track Patrolman in 1981. He was serving in his regular position at South Bend, Indiana. The Claimant was responsible for inspecting the track and switches between South Bend and Dillon, Indiana, a distance of approximately 43 miles to ensure there were no problems such as wide gauge or broken rails which could cause a derailment.

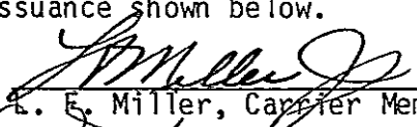
A derailment occurred at MP 10.2, on January 23, 1987, on a track for which Claimant had responsibility. It caused 10 cars to derail, and took over a week to repair. An inspection team concluded that the gauge of the track at this location had been spread for quite some time. As a result of this incident and because this was the second major derailment on Claimant's territory in a month's time, the Roadmaster disqualified Claimant as a Track Patrolman. On January 23, 1987 the Organization requested an unjust treatment hearing and a formal investigation was held on February 17, 1987. The Claimant was notified, on March 2, 1987, that he was disqualified as track inspector and affirmed the previous disqualification. The Claimant's rights were subsequently restored on May 5, 1987.

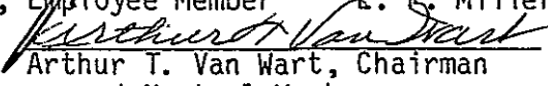
Upon review of the record it has been determined to modify the discipline by reduction to thirty days.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within
thirty (30) days of date of issuance shown below.


S. A. Hammons, Jr., Employee Member


L. E. Miller, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member