PUBLIC LAW BOARD NO. 1760

Award No. 119

Case No. 119 Carrier File MW-FTW-84-26

Parties

Brotherhood of Maintenance of Way Employees

to

and

Dispute No

Norfolk and Western Railway Company

Statement

of Claim: R. L. Mathis-10 day suspension for failure to properly inspect switches.

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

A derailment occurred on December 29, 1986 at Olive Yard in South Bend, Indiana at the No. 1 track switch point while shoving four cars. Another derailment, occurred at the same #1 track switch, 7 days later, on January 5, 1987 involving another train. Again 4 cars were derailed.

As a result of the investigation held on the derailments a conclusion was reached that they occurred because the switch point leading to the #4 track opened under load on account of insecure stock rail.

Carrier cited the Claimant, R. L. Mathis, who was the Section Foreman at South Bend Yard, to a formal investigation to determine his responsibility in connection with both derailments. As a result thereof, the Claimant was assessed the discipline here appealed. In addition the Roadmaster also received 14 days suspension for his responsibility.

Upon review of the entire record, it was determined that the discipline should be modified to a 5 day suspension.

Award:

Claim disposed of as per findings.

Order:

Carrier is directed to make this Award effective within #hirty (30) days of date of issuance shown below.

S. A. Hammons, Jr., Employee Member

F. Miller, Carrier Member

Arthur T. Van Wart, Chairman

and Neutral Member