

PUBLIC LAW BOARD NO. 2142

Award No. 20

Docket No. 1148

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Illinois Central Gulf Railroad

Statement
of Claim: The disqualification of L. W. Jones as a Group A Machine Operator-Mechanic was without just and sufficient cause. Group A Machine Operator-Mechanic Jones be reinstated to the position of Group A Machine Operator-Mechanic and compensated for all monies lost (the difference between Trackman rate of pay and the Group A Machine-Mechanic's position) from May 18, 1977 until he is restored to the Group A Machine Operator-Mechanic's position. Claimant's Group A Machine Operator-Mechanic's seniority be restored and his personal record be cleared of the discipline assessed.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 23, 1978, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant entered Carrier's service as a Trackman on June 8, 1972. Subsequently, he bid in and was assigned seniority as a Group "C" Machine Operator, September 16, 1974. Claimant bid in as and was assigned seniority as a Group "A" Machine Operator on June 10, 1976. He worked thereat for some 3 1/2 months, from June 10, 1976 to September 30, 1976. During said three months, Claimant received instructions from his Supervisor on the proper operation and maintenance of the tamping machine to which he was assigned. Claimant also attended special classes given by the Company who manufactured the tamping machine. Also, during such period, Claimant had been admonished, on at least two separate occasions, for the careless manner in which he carried out his responsibilities in operating the tamping machine.

Claimant was suspended from service from October 1, 1976 to January 17, 1977. Shortly after returning to service Claimant bid off a Group "A" Machine Operator-Mechanic's Position and was assigned thereto on March 18, 1977.

Claimant's Supervisor inspected the track which had been tamped by Claimant on the preceding day and found same to be out of cross level and the run-offs and run-ins to and from switches were too short. Further, his inspection of Claimant's tamping machine reflected that two switches were completely missing on one side and that the switch block was missing from the other side. Further, the Supervisor found that Claimant's tamping machine was working slow because of a burnt out coil in the K-2 vent valve. Hence, the Supervisor concluded that the tamping machine had not been properly maintained and that the quality of Claimant's work performance was far below par. Claimant, on May 17th, bid off the Group "A" Machine Operator-Mechanic's Position to a laborer's job.


Investigation was held in connection with Claimant's qualification and as a result thereof, he was disqualified.

The majority of the Board finds, in the particular circumstances prevailing herein, that the claim has been mooted by the fact that Claimant subsequently resigned from the Maintenance of Way Department and transferred to the Transportation Department as a train service employee. In such circumstances, this claim will be dismissed without prejudice to the position of the parties.

Award: Claim disposed of as per findings.


J. P. Paloni, Employee Member


M. B. Hagen, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Falmouth, Massachusetts, September 26, 1979.