

Award No. 30
Case No. 55

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

(1) The discipline (30-calendar-day suspension) imposed upon Foreman P. D. Yates was without just and sufficient cause and on the basis of unproven charges.

(2) Foreman P. D. Yates shall be compensated for all wage loss suffered.

FINDINGS:

Investigation of a 12 car derailment near Irvington, Kentucky, established that several new crossties had been installed in the track area in question without rail anchors. As a result, the investigation disclosed, the track buckled and the train derailed.

Claimant was the foreman responsible for installing the new crossties. The evidence supports Carrier's findings that he failed to install the anchors, despite the re-

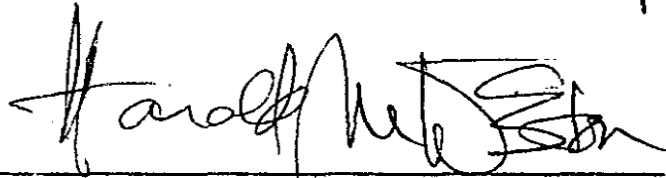
quirements of Rule 191 in that regard, and to issue a slow order to alert trains passing over the trackage, although standing instructions called for a speed restriction in that situation.

The fact that tools to install anchors may not have been at hand or that anchors had not been installed at that location for some time does not relieve claimant from discharging his responsibilities in this matter. It does not appear that he took any measures to secure tools or issue a slow order.

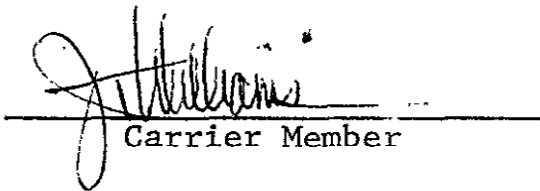
AWARD:

Claim denied.

Adopted at Louisville, Kentucky, April 11, 1980.



Harold M. Weston, Chairman



Carrier Member



Employee Member