

PUBLIC LAW BOARD NO. 3765.

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 31

STATEMENT OF CLAIM

The decision of the Carrier to suspend Claimant T. K. Runyon from service for ten (10) working days and to suspend his foreman and assistant foreman rights for sixty (60) days was unwarranted, on the basis of unproven charges and in violation of the Agreement.

Claimant Runyon shall be compensated for all wage loss suffered as a result of the above-referred to suspensions.

OPINION OF THE BOARD

Claimant T. K. Runyon was, at the time of the incident that gave rise to this case, employed as a Production Foreman on a rail gang working on the west bound main line, South Bend Subdivision, near mile-post 138.3. Mainline trackwork is protected by Form Y train orders. On June 3, 1987, two Trackmen in Claimant's crew placed the red board


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for eastbound trains at MP 137.4, instead of mile post 138, as specified on Form Y order #441. Because of the misplaced signal, the Engineer of an eastbound train made an emergency stop so that he would not go by the red board. Some of his crew were injured. As a result of the incident, Claimant was charged with a violation of the rules and procedures governing Form Y train orders. A hearing into the matter was held. Claimant was found guilty as charged and assessed a ten-day suspension. He was also suspended from his Foreman and Assistant Foreman position for 60 days.

This Board has reviewed the record and agrees with Carrier that Claimant was guilty of a serious rule infraction and that severe discipline was warranted. The Board, however, does not agree that Claimant should be reduced in rank for 60 days and suspended for ten days. Carrier has made its point with the reduction in rank and Claimant should be reimbursed for the ten days he lost as a result of the suspension.

AWARD

The claim is sustained per Opinion of the Board. Claimant shall be reimbursed for ten days.


R. E. Dennis, Neutral Member


Jo. A. DeRoche, Carrier Member


W. E. LaRue, Employee Member

3-8-90
Date of Adoption