

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

v.

BURLINGTON NORTHERN RAILROAD

STATEMENT OF CLAIM

1. The discipline (demotion from track section foreman to track laborer) imposed upon P. M. Egan for alleged violation of Rule 707B and General Rule A of the Rules of the Maintenance of Way Department was improper, unwarranted and in violation of the Agreement (System File S-P-275/MWB 82-4-26C).
2. The Claimant shall be returned to his section foreman position with all seniority rights restored and unimpaired and he shall be compensated for all wage loss suffered.

FINDINGS

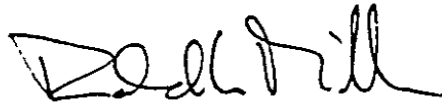
It is clear from the record of this case that the Claimant, Mr. P. M. Egan, was given specific and detailed instructions as to the proper method of installing a switch point. Nevertheless, subsequent inspection by Mr. Egan's supervisor showed that the switch point was improperly installed.

Mr. Egan does not deny that the work was done improperly. He contends, however, that other employees refused to carry out his instructions, and he was left to do the work himself. Mr. Egan admits that he made no effort to contact his supervisor about the situation, nor did he leave flags up to warn of the dangerous situation. Discipline in this matter was for good and sufficient cause.

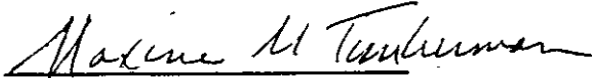
Given Mr. Egan's record of employment and current status, discipline has served its purpose.

AWARD

Mr. P. M. Egan shall be restored to service as foreman, effective the date of this Award.



Ronald L. Miller
Chairman and Neutral Member



Maxine M. Timberman
Carrier Member



Karl P. Knutsen
Organization Member

3-31-88

Date