

Parties
to the
Dispute

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: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES :
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: vs. :
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:
: BURLINGTON NORTHERN RAILROAD COMPANY :
:

Case No. 14

STATEMENT OF CLAIM

Claim on behalf of M. G. Montgomery, Section Foreman, Wolf Prairie, Montana, who was suspended 5 days October 2, 1986 through October 6, 1986, as the results of the Investigation held September 23, 1986 at Wolf Prairie, Montana.

FINDINGS

Claimant, M. G. Montgomery, was assigned to a Section Foreman's position on September 16, 1986. While in that position, the crew under his supervision was responsible for switching a flat car from the east end of the Burro Crane to the west end. The flat car was not properly coupled to the crane; it broke loose, rolled down a grade, and rammed a hi-rail vehicle waiting to be cleared to the main line. Claimant was charged as follows:

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...ascertain the facts and determine your responsibility in connection with alleged damage to Hi-rail truck No. 1249 as a result of being struck by flat car BN 961011 while operating crane BN 975058 at Fisher River at approximately 11:30 A.M., September 16, 1986.

A hearing into the matter was held on September 23, 1986. At the conclusion of the hearing, Claimant was found guilty as charged and assessed a five-day suspension.

This Board has reviewed the transcript of the hearing together with other material contained in the record. As a result of that review, the Board has concluded that Claimant received a full and fair hearing and that his substantive and procedural rights guaranteed by Agreement were preserved throughout the handling of this case. The Board also concludes that Claimant was partially at fault in the accident and, as such, some level of discipline is appropriate. The assessment of a five-day suspension in this instance is not arbitrary or capricious and this Board can find no basis on which to modify it.

AWARD

The claim is denied.

R. E. Dennis
R. E. Dennis, Neutral Member

Bruce H. Glover
B. G. Glover, Employee Member

M. M. Timberman
M. M. Timberman, Carrier Member

8-10-89
Date of Adoption