

PUBLIC LAW BOARD NO. 5383

BROTHERHOOD OF LOCOMOTIVE ENGINEERS )

vs. )

) Parties to Dispute

UNION PACIFIC RAILROAD COMPANY )

STATEMENT OF CLAIM:

Claim in behalf of Engineer R. A. Fosnaugh, Union Pacific Railroad, former Chicago and North Western Transportation Company, for all time lost including time spent at the investigation and that this incident be removed from his personal record when he was disciplined thirty (30) days actual suspension for the investigation on the following charge:

"Your responsibility in connection with collision and derailment of Engines CNW 4448 and CNW 4394, and derailed Engine 4356 standing on the Main Line at Earlham, Iowa, and subsequent damage to those engines, at approximately 11:10 a.m., February 11, 1982, while employed as crew members on Work Extra 4448, called for 8:15 a.m., February 11, 1982, and Conductor on Work Extra 4387, called for 5:30 p.m., February 10, 1982, respectively."

FINDINGS

Upon the whole record and all the evidence, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that the Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

Claimant Engineer was disciplined with thirty (30) days suspension for responsibility in connection with collision and derailment of engines while operating a work train.

The record indicates Claimant was operating a light engine ~~through a snow drift~~ and blowing snow when the accident occurred. Visibility was substantially impaired at the time.

The Board finds that contributing factors to the accident included (1) the train order not indicating that the main line was fouled by an engine, and (2) a member of supervision giving erroneous information. In fact, he stated at the investigation ".....by giving 'em the instructions I give 'em set up the trap." (Tr., p.40)

In view of the above, the claim will be allowed.

AWARD

Claim is sustained.

ORDER

The Carrier is ordered to make this Award effective within thirty (30) days from the date shown below.

B. H. MacArthur  
Employee Member

W. J. Bender  
Carrier Member

J. Kelly  
Chairman and Neutral Member

Dated: 12-30-97