

Award No. 510
Case No. 510

PUBLIC LAW BOARD NO. 5383

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| BROTHERHOOD OF LOCOMOTIVE ENGINEERS |) | |
| |) | |
| vs. |) | Parties to Dispute |
| |) | |
| UNION PACIFIC RAILROAD COMPANY |) | |

STATEMENT OF CLAIM:

Claim in behalf of Engineer L. D. Switzer and Fireman W. L. Baker, Union Pacific former Chicago and North Western Transportation Company, for compensation for all lost time including time spent at the investigation and that this incident be removed from Claimant's personal record when they were investigated on the following charge:

"Your responsibility for your failure to properly perform your duties when you failed to comply with instructions from the Operator at train operating through the interlocking limits of the manual interlocking located at MP 0.4 on the Sterling Subdivision while you were employed as crew members of the Extra 6894 West (GCEMA) at approximately 12:55 A.M. on June 15, 1984."

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.

Claimants were found responsible for failure to comply with instructions from an Operator incident to operating through limits of a manual interlocking plant. Claimant Engineer was assessed thirty (30) days suspension and Claimant Fireman was given the same discipline. Claimant Fireman also was carrying thirty (30) days deferred suspension which was activated by this episode.

The operative facts are that Claimants' train was stopped at a red signal at an interlocking plant and crew was told by an operator to proceed at restricted speed after checking their line up. Rules require that a member of the crew precede the movement and examine each switch to see that it is properly lined.

There was testimony at the investigation to the effect that no crew member got off the engine. Members of the crew testified that the cab signal cleared up and the train pulled ahead without the fixed signal being visible.

The Board finds that the crew should have complied literally with instruction of the operator. Assumptions and short cuts frequently lead to trouble. Taking all factors into consideration,

the suspension given to Claimant Engineer was reasonable. However, because of lesser responsibility Claimant Fireman's discipline is reduced to fifteen (15) days.

AWARD

Claim is sustained, in part, for Fireman W. L. Baker, as indicated above. In all other respects the claim is denied.

ORDER

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

B. H. Lee Arthur
Employee Member

W. J. Gonzales
Carrier Member

W. D. Celly
Chairman and Neutral Member

Dated: Feb 20, 1998