

Award No. 531
Case No. 531

PUBLIC LAW BOARD NO. 5383

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

STATEMENT OF CLAIM:

Claim in behalf of Student Engineer C. L. Myers, Union Pacific Railroad 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 he was investigated on the following charge:

"Your responsibility in connection with leaving the mainline switch open, and running through an improperly lined switch at Lakeland Junction on November 24, 1994 while employed as crew member of SSPRA and Pusher Crew."

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 Student-Engineer was found responsible in connection with leaving a mainline switch open and running through an improperly lined switch. The discipline assessed was five (5) days suspension.

The transcript of investigation shows that Claimant was operating the train with the Engineer-Instructor immediately beside him. He was doing specifically what the instructor told him to do on a descending grade. It must be concluded that the major fault in the incident was with the instructor and not the student.

The discipline assessed here was not in line with the C&NW Discipline System. A "Letter of Review" would have met

the intent of the policy statements. Claimant was not at fault for leaving a switch open in any event.

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. Inman Arthur
Employee Member.

[Signature]
Carrier Member

[Signature]
Chairman and Neutral Member

Dated: Feb 20, 1998