

Award No. 587  
Case No. 587

PUBLIC LAW BOARD NO. 5383

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

STATEMENT OF CLAIM:

The Brotherhood of Locomotive Engineers Union Pacific, former Chicago and North Western request the Division compensate Fireman R. T. Moss for all time lost including time spent at the investigation and that this incident be removed from Claimant's personal file when he was investigated on May 13, 1977 regarding the following charge:

"Your responsibility in connection with the collision between Relay Engines, B&O 6511 and WM 7145, in multiple, and Job 80, Engine 1308 at Ogden Avenue Crossovers, Wood Street at about 2:15 A.M. on May 11, 1977."

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 Fireman was found responsible in connection with a collision between engines at Chicago and he was disciplined with five (5) days suspension.

It is shown in the transcript that neither Claimant nor his Engineer were familiar with the area in which operating at the time of the incident. The Engineer began a reverse move with poor visibility without knowing that his Fireman had seen the route to be clear and a slow-speed collision was the result.

The Board finds that the Engineer's performance was as poor or worse than that of his Fireman. The Engineer position is one of greater responsibility but the occupant was not disciplined whereas the Fireman was found at fault. In this circumstance the claim shall 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. Ivan Arthur  
Employee Member

R. J. Gaudin  
Carrier Member

A. J. Kelly  
Chairman and Neutral Member

Dated: 5-22-98