

PUBLIC LAW BOARD - NO. 5418

Case No. 33

Award No. 33

PARTIES

Brotherhood of Maintenance of Way Employes

to

- and -

DISPUTE:

Springfield Terminal Railway Company

STATEMENT OF CLAIM:

Appeal of discipline of a two day suspension imposed
on Dean Ledoux, on November 20, 1998.

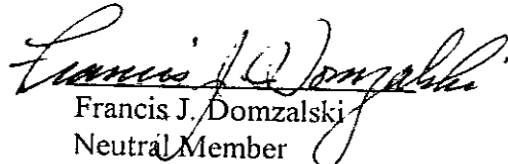
FINDINGS: Subsequent to a hearing held on November 9, 1998, claimant was found guilty of violating Carrier's General Safety Rule GR-N paragraph #4, in connection with submitting time sheets for a higher rate of pay as an Equipment Operator (E.O.), rather than at I & R trackman position he held.

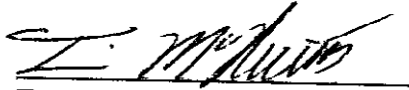
After a thorough review of the parties' submissions, we cannot sustain the Carrier's position in this case. The record clearly shows that claimant did not prepare the inaccurate preprinted time sheets, nor did he sign the documents. It was shown that the time sheets are the responsibility of the Foreman; therefore, it was incumbent upon him, and not the claimant, to insure that they were correct prior to forwarding them to the Payroll Department.

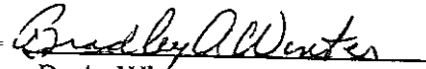
Based on the record, we find that the Carrier failed to meet its burden of proof. Therefore, the suspension will be removed from the claimant's record and he shall be paid for time lost.

AWARD: The claim is sustained.

AWD ND-33
PLB No. 5418 C-33/A-33
Page 2


Francis J. Domzalski
Neutral Member


T. W. McNulty
Carrier Member


B. A. Winter
Organization Member

Dated: 3-25-99