

PUBLIC LAW BOARD NO. 5418

Case No. 52

Award No. 52

PARTIES

to

DISPUTE:

Brotherhood of Maintenance of Way Employes

-and-

Springfield Terminal Railway Company

STATEMENT OF CLAIM:

Appeal of the discipline of a 30-day suspension
imposed on Trackman, Francis Coyne, on
December 30, 2003.

FINDINGS: On December 15, 2003, claimant was given a notice charging him with the
following offense:

“Negligence in the performance of your duties, specifically
your responsibility in connection with your injury that occurred
on Wednesday, December 10, 2003 in Nashua, NH, while
clearing snow away from a joint bar, the ring finger of your left
hand was lacerated by a jagged piece of metal.”

Facts gleaned from the hearing transcript shows that on the date in question, the claimant
went to Nashua, NH to investigate a derailment. While in the process of examining a joint bar at
the site, he knelt down and brushed snow off the rail with his gloved hand, which resulted in a
laceration to his finger requiring three stitches.


At his hearing, the claimant readily admitted that it is not the customary practice to clear snow
away with just your hands. He also admitted that he had the proper tools to perform the task in
his truck.

Suffice to say, that given the established facts of this case and claimant's clear admission of
negligence, we concur with the Carrier's conclusion that discipline was warranted. However, the
Board concludes, that in light of the claimant's 9 years of discipline free service, we deem that
the discipline assessed for this first offense to be excessive and it shall be reduced to a 3-day

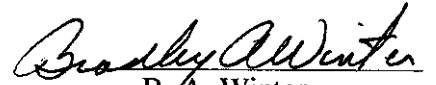
suspension. The Board is aware of the fact that the initial suspension had not as yet been served.

Therefore, the reduced suspension will not be served if the claimant does not commit a rule infraction within 6 months from the date of this award.

AWARD: As specified in the Findings.


Francis J. Domzalski
Neutral Member


T. W. McNulty
Carrier Member


B. A. Winter
Organization Member

Dated: 3-22-04