## PARTIES TO DISPUTE:

Brotherhood of Locomotive Engineers

-and-

AWARD NO. 5 CASE NO. 5

Illinois Central Railroad

## STATEMENT OF CLAIM:

Claim on behalf of Engineer P. W. Brooks for removal of discipline from personal work record and compensation for all time lost.

## FINDINGS:

By letter dated April 24, 1992, the Claimant, Mr. P. W. Brooks, was notified that he had been dismissed from service as follows:

Refer to notice of investigation dated April 16, 1992 advising you to attend a formal investigation to be held Thursday, April 23, 1992 to determine whether or not you waited the required time before crossing from the North Main Track to the South Main Track at Hollywood Yard, Memphis, about 11:50 PM, April 15, 1992 while you were working as Engineer on MECH 15.

It was developed at this investigation that you were in violation of General Rule A and Operating Department Rule 513 and for your violation of these rules, you are hereby dismissed from the service of the Illinois Central Railroad.

You should arrange to turn in any company property you may have in your possession, including your AMTRAK pass.

s/W. D. Hall Trainmaster After full consideration of the entire record, the testimony of Mr. Sheridan, the quality of Mr. Brooks' past personal work record, and the discipline imposed on the Conductor, Mr. M. D. Wyrick, we conclude that any discipline beyond a ten day actual suspension was excessive. Moreover, this Board is cognizant of the FRA that the FRA Locomotive Engineer Review Board disapproved the Carrier's decision to revoke Mr. Brooks' certification. Mr. Brooks' discipline shall be reduced to a 10 day suspension. He shall be paid for all time lost subsequent to the ten day suspension until returned to service after August 18, 1992.

## AWARD

As per Findings.

ORDER: The Carrier is required to comply with this award within thirty days.

airman and Neutral Member

Organization Member

DATED: 2-8-95