

PUBLIC LAW BOARD NO. 5719

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS)

VS)

UNION PACIFIC RAILROAD COMPANY)

NMB CASE NO. 47
AWARD NO. 47

STATEMENT OF CLAIM:

Request the letter of reprimand assessed to Engineer D. R. Auld be removed and pay for all time lost.

FINDINGS AND OPINION


The Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as amended. This Board has jurisdiction of the dispute here involved.

Claimant here was charged with failure to "properly position the automatic brake valve handle, isolate units, and remove reverser handle after completing work on December 16, 1993." Following a formal investigation Carrier found claimant to be culpable and assessed his record with a Letter of Reprimand.

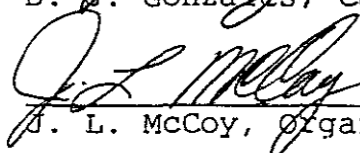
This Board has reviewed the transcript of hearing and it is obvious therefrom that claimant was following the instructions given to him by the Yardmaster. Under such circumstances there is a lack of evidence to sustain the charge against claimant. The discipline here administered must be set aside.

AWARD

Claim sustained. Carrier is instructed to comply with this award within 30 days of the date hereof.


F. T. Lynch, Neutral Chairman


D. G. Gonzales, Carrier Member


J. L. McCoy, Organization Member

Award date March 26, 1998