

PUBLIC LAW BOARD NO. 5959

Case No. 13
Award No. 13

Brotherhood of Locomotive Engineers)	
vs)	PARTIES TO
)	DISPUTE
CSX Transportation, Inc.)	

STATEMENT OF CLAIM

Claim on behalf of Engineer D.W. Presely, ID 040375, for reimbursement of all wages lost, that he be exonerated of all charges and his record expunged of this entire matter resulting from investigation held October 18, 1994, at Tro-Joe's Banquet and Conference Room, New Castle, Pennsylvania at 1000 hours for the purpose of developing the facts and determining responsibility, if any, in connection with the falsifying Conductor's Register Slip and Handle Report during and after tour of duty on train K-38704 between New Castle, PA and Cleveland, OH, beginning 2230 hours, October 4, 1994. Discipline assessed: 30 days actual suspension.

FINDINGS

This Board finds the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due and proper notice of hearing thereon.

Claimant was assessed a 30 day suspension for falsifying the Register Slip and Handle Report on October 4, 1994.

A review of the transcript of the October 18, 1994 investigation shows that Claimant completed his trip at 10:30 PM on October 4, 1994. The Register Slip shows 11:20 PM. While the Conductor filed the report, the Claimant testified he knew that the Conductor showed off at 11:20 PM. Claimant made no attempt to correct the Register Slip until being cited. At that time he called the Carrier's payroll department to correct his time.

The Organization argues that the Letter of Understanding of August 21, 1987 does not let the Carrier discipline an engineer when a conductor makes out the time slip.

However, the record in this case clearly shows the Claimant knew of, and condoned the falsification of the Register Slip. While the August 21, 1987 letter is still in effect, it cannot be used to hide behind when it is clear the engineer knew the time slip was false.

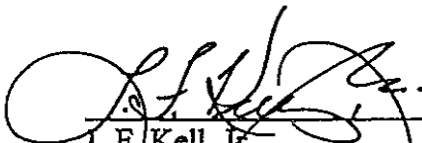
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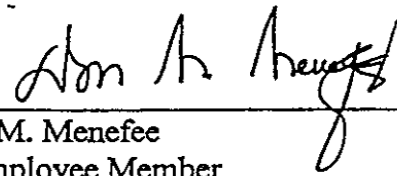
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AWARD

Claim denied.


R.G. Richter, Chairman


L.F. Kell, Jr.
Carrier Member
Dated 4-14-98


D.M. Menefee
Employee Member