

PUBLIC LAW BOARD NO. 5959

Case No. 25
Award No. 25

Brotherhood of Locomotive Engineers)

vs)

CSX Transportation, Inc.)

PARTIES TO DISPUTE

STATEMENT OF CLAIM

Claim on behalf of Engineer R.E. Allen, ID 010408, for the reimbursement of all earnings and benefits lost, including all earnings lost account of attending investigation, and service record cleared of all charges resulting from investigation held on February 5, 1991. Discipline assessed - five (5) days overhead 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.

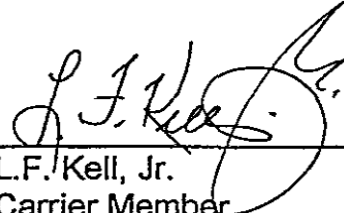
Claimant was given a five (5) day overhead suspension as a result of an investigation held on February 5, 1991. Carrier found that claimant was at fault for a personal injury suffered on January 5, 1991.

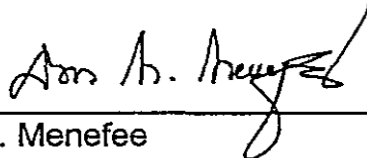
A review of the record of the transcript reveals that claimant injured his shoulder while setting the engine hand break. What the transcript doesn't reveal is that the claimant was careless or that company rules were violated. The Carrier has not shown that the claimant deserved any discipline.

AWARD

Claim sustained. The Carrier is ordered to comply with this award within 30 days of its date.


R.G. Richter, Chairman


L.F. Kell, Jr.
Carrier Member


D.M. Menefee
Employee Member

Dated 7-9-97