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**Case No. 62**

**Award No. 62**

**Brotherhood of Locomotive Engineers )**

**VS**

**PARTIES TO  
DISPUTE**

**CSX Transportation, Inc.**

## STATEMENT OF CLAIM

Claim on behalf of Engineer I.B. Barnes 176733, for the reimbursement of all lost earnings, service record cleared of all charges, compensation for any and all medical expenses incurred while being deprived of his medical and dental coverage, and recovery of all vacation pay and rights lost as a result of an investigation held December 3, 1997, in the Terminal Yard Office Conference Room, Barr Yard, Riverdale, Illinois, at 1315 hours, for the purpose of determining the material facts and place responsibility, if any, in connection with the alleged excessive speed of his train on No.2 Main Track at Milepost 33.9, Station Broadview on the IHB Railroad at approximately 1600 hours on November 29, 1997 while operating on Y151-29.

## **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 suspended by the Carrier for 30 days on December 9, 1997 as a result of an investigation held on December 3, 1997. The Carrier found that Claimant was speeding while operating job Y151-29 over the Indiana Harbor Belt track near Broadview, Illinois. Claimant was removed from service on November 30, 1997 pending the investigation.

The facts as brought out at the investigation reveal the Claimant was operating over IHB track which had a 10 mph speed limit. While passing a UP train, its crew thought the Claimant's train had derailed. After the Claimant made an emergency brake application and stopped the train, the investigation of the train revealed no derailment.

However, Claimant admitted to traveling about 20 mph before the hearing, and about 15 mph at the hearing. The engine recorder indicated a speed of between 12 and 22 mph over the restricted track.

The Organization argues that Claimant was improperly removed from service pending the investigation. This Board has held in previous Awards that it is proper to remove an employee from service in serious cases, where keeping the employee in service is an endangerment to oneself or fellow employees. There is no evidence in this case that would cause the Claimant to be removed

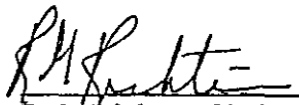
from service pending the investigation. In fact, Claimant was not even removed from service at the time of the incident, but the next day.

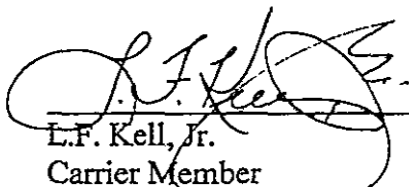
There is no question the Claimant was speeding on the date in question, an offense that should not be taken lightly. As shown in this case it caused another crew to think the Claimant's train had derailed.

The claim for removal of discipline is denied. However, the Carrier is obligated to pay the Claimant from November 30, 1997 until December 9, 1997 for improperly removing the Claimant from service pending the hearing. Pay for time lost after the letter of discipline was issued is also denied.

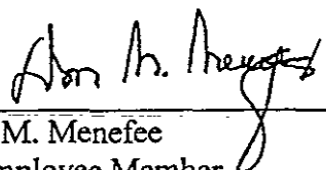
AWARD

Claim denied except for time lost for being held out of service pending investigation.

  
R.G. Richter, Chairman  
Neutral Member

  
L.F. Kell, Jr.  
Carrier Member

Dated 2/22/99

  
D.M. Menefee  
Employee Member