

PUBLIC LAW BOARD 6170  
AWARD NO. 40

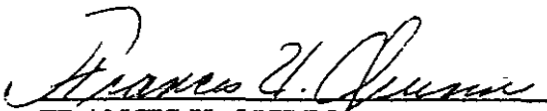
Parties to Dispute: Union Pacific Railroad Company  
and  
Brotherhood of Locomotive Engineers

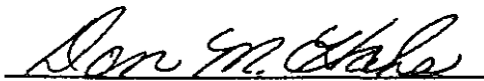
Statement of Claim: Appeal of Level 1 Discipline issued to D.J. Onate.

Findings: On December 9, 1997, Claimant was serving industry located at milepost 729.

While making a pick up, cars were released prematurely causing them to run to the side of his locomotive, resulting in personal injury to Claimant. The record does not indicate a violation of rule or judgment. Engineers must have confidence in their fellow crew members, and the record is devoid of evidence of Engineer's culpability.

Award: Claim sustained.

  
FRANCIS X. QUINN  
Chair and Neutral Member

  
Don M. Hahs  
Organization Member

  
TERRY M. STONE  
Carrier Member

Date Sept 26 2000  
Omaha, Nebraska