PUBLIC LAW BOARD 6170 AWARD NO. 53

Parties to Dispute:

Union Pacific Railroad Company

and

Brotherhood of Locomotive Engineers

Statement of Claim

Removal of Level 4 discipline and pay for all time lost associated with the discipline issued to Engineer J.G. McGee in reference to a charge of speeding on other than main track.

Findings

Serious inconsistencies in the event recorder remain unexplained viz. a jump of 12 mph in one second. Claimant cannot be held responsible for a speed reading that does not reflect his actual speed. The Carrier did not meet the burden of establishing a rule violation.

Award

Claim sustained.

Francis X. Ouing

Chair and Neutral Member

Don Hahs

Organization Member

Terry Stone

Carrier Member

Ft. Worth Texas