

BEFORE PUBLIC LAW BOARD NO. 6239

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

CSX TRANSPORTATION

Case No. 34

STATEMENT OF CLAIM:

Appeal of the dismissal issued to Claimant E. Furgerson as a result of investigation held on January 21, 2003, in regards to Claimant's alleged violation of CSX Welders Manual, Section (g) Frogs, and Railroad Crossings Rules 10, 11, 12, and 14.

FINDINGS:

The Claimant was employed by the Carrier as a Welder at the time of this claim.

On December 12, 2002, the Carrier notified the Claimant to appear for a formal investigation in connection with the poor quality of welding and grinding repairs that he had made on #20 frogs at MP A 227.7 and MP A 269.4 on either November 20 or 21, 2002, which the Carrier discovered on November 26, 2002. The Carrier charged the Claimant with violation of Carrier Welders Manual, Section (g) Frogs, and Railroad Crossings Rules 10, 11, 12, and 14.

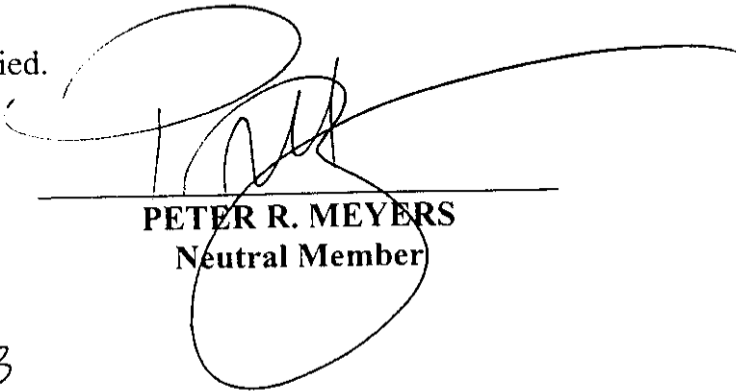
After one postponement, the hearing took place on January 21, 2003. On February 6, 2003, the Carrier notified the Claimant that as a result of the facts brought out in the investigation of his case, combined with his previous discipline record, he had been found guilty of all charges and was being assessed discipline

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AWARD:

The claim is denied.



PETER R. MEYERS
Neutral Member

Dated: _____

10/27/03