

PUBLIC LAW BOARD NO. 7357

PARTIES TO THE DISPUTE

Brotherhood of Maintenance of Way Employees
Division – IBT Rail Conference

Award No. 39
Case No. 39

-and-

Delaware and Hudson Railroad Company d/b/a Canadian Pacific Railway

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. The ten (10) day unpaid suspension assessed Mr. Patrick Robinson by letter dated July 10, 2013 is in violation of the Agreement.
2. As a consequence of the violation referred to in Part 1 above we request that the discipline be removed from the Claimant's record and he be compensated for all losses suffered due to the Carrier's improper discipline.

FINDINGS:

This Public Law Board No. 7357 finds that the parties are Carrier and Employee, within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

By letter dated July 10, 2013 the Carrier notified the Claimant, Mr. Patrick Robinson, that he was assessed a 10 (ten) day unpaid suspension as follows:

Dear Sir:

As a result of the facts developed at the formal investigation hearing, Friday, June 21st, 2013 you have been found to be in Violation of GCOR Rules 1.1.1, 1.6.1, 1.6.2 & GCOR 8.2. Whereby a switch was left in other than normal position on the Controlled Siding at Taylor, PA on June 16th, 2013.

You are hereby given 10 (ten) day unpaid suspension per Policy 5612 from Canadian Pacific Railway. Effective on the date of receiving this notice.

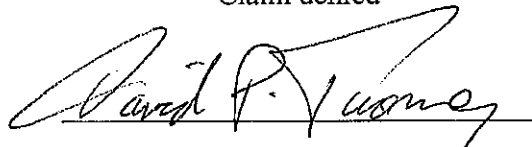
S/Todd Dragland – Division Engineer – Northeast US Division


The Organization appealed the discipline, and the matter has been progressed to this Board for adjudication.

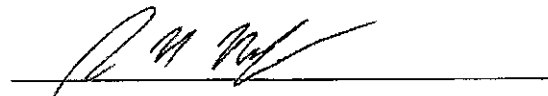
After study of the entire record we find that no basis exists to set aside the discipline on the procedural grounds raised by the Organization. And we find that substantial evidence of record, including all of the information provided by the Chief Train Dispatcher, supports the Carrier's determination that Mr. Robinson was responsible for leaving the switch from the controlled siding to the north end of Taylor Yard improperly lined for the yard in violation of OTS Rule 25.3.3, GCOR Rules 1.1.1, 1.6.1, 1.6.2 & GCOR 8.3. The discipline assessed was neither arbitrary, capricious nor excessive. We shall deny this claim.

AWARD

Claim denied


Chairman and Neutral Member


Carrier Member


Organization Member

Dated: 4-19-17