

PUBLIC LAW BOARD NO. 7529

Award No. 101
Carrier File: 2015-191149
System File: D13908115

PARTIES

TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees
Division of the International Brotherhood of Teamsters
(the Organization)

and

CSX Transportation, Inc.
(the Carrier)

Arbitrator: Sherwood Malamud

Claimant: Timothy C. Brown

Decision: Claim Denied

Statement of Claim:

“It is my desire to process the discipline assessed to me and to obtain a decision as quickly as possible. Therefore, I hereby elect to have said discipline submitted to Special Board of Adjustment No. 7529. In so electing, I understand that the Neutral Member of Special Board of Adjustment 7529 will base his decision on the transcript of my hearing, my prior service record, the notice of my hearing, the notice of discipline and Rule 25 of the Maintenance of Way Agreement.”

Findings of the Board:

The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

On July 6, 2015, the Carrier assessed discipline to Claimant Track Inspector T. C. Brown in the form of disqualification from the Track Inspector position for a period of one year beginning July 6, 2015 and ending July 5, 2016. The discipline assessed was the result of a semi-annual inspection that was to be completed by April 30, 2015 in the vicinity of AWP W of a (AW-Subdivision) went overdue to May 1, 2015.

At the investigatory hearing on June 16, 2015, the Carrier established by substantial evidence that Claimant performed the inspection at issue on April 11, 2015. He failed to document it properly and input it into the ITIS computer system. The entry into ITIS establishes that the inspection was conducted for the records of the Carrier, the Federal Railroad Administration, and insured compliance with CFR 213.118 and MWI 2006-01 6.2. The Roadmaster alerted Claimant that an inspection in his area was about to go overdue. The Roadmaster provided the alert at the end of the day on April 29.

Claimant believed he knew what inspection was referenced. When, in fact, he did not properly identify the segment of track in need of inspection. Claimant did not contact the Roadmaster to properly identify the segment of track.

Although Claimant had inspected that segment of track, he failed to comply with the Roadmaster's instruction that Claimant input the inspection at the end of the day, April 11. Claimant testified that his computer did not work in the field because of a faulty outlet in his truck. There is no evidence to suggest that Claimant was prevented from inputting the proper inspection information at the end of the day on April 11.

The form that Claimant completed on April 11, in part, fulfilled the Roadmaster's request for a listing of rail joints in the particular area. The form listed the area inspected. It was not signed by Claimant as he would be required to do, when submitting paper documentation of the inspection. Claimant's Employee History contains problems noted with his inspection, a failure to tighten loose bolts, an incident that occurred on January 21, 2015, and an incident documented on September 18, 2014.

Based on this evidence, the Board concludes that the Carrier met its burden of proof and substantiated that Claimant violated Operating Rule 100, CFR 213.118 and MWI 2006-01 6.2. The evidence supports the assessment of the disqualification of Claimant from the Track Inspector position for one year.

AWARD

The claim is denied.

Date: October 13, 2016



Sherwood Malamud
Neutral Member