

Public Law Board No. 7544, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of the hearing and did participate therein.

Consistent with the PLB Agreement for this Board, the evidentiary record in this proceeding is comprised of the following: (A) notice of investigation, (B) transcript of investigation and all related exhibits, (C) discipline assessment letter and (D) on-property correspondence related to progression of the claim.

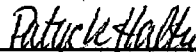
There is substantial evidence that Claimant violated the rules, as charged, on October 27, 2015. Specifically, a written statement from the Claimant provided at the on property investigation stated the following:

"At approximately 11:30, while digging and grading road bed to retire downtown track Portage Junction, Portage, Wisconsin, old ties buried underground pushed into an old light pole with a yard light on it. The pole fell."

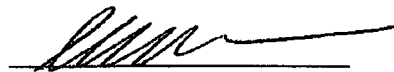
Claimant was grading a fill area where a track had been removed. As reflected in his statement, in the process of grading roadbed two ties were removed from the ground and hit and broke a power or light pole creating a potential electrical hazard. The pole was owned by the City of Portage. A police report was filed. Prior to this incident, the Roadmaster discussed the work with Claimant in this general area and Claimant was familiar with the area and work to be performed. The condition of the pole (Claimant asserts it was rotten) and Claimant's unintentional destructing it do not insulate him from the consequences of his conduct. Claimant's conduct violates GCOR 1.1.1 (Maintain Safety), GCOR 1.1.2 (Alert and Attentive) and GCOR 1.6 Conduct. The claim is denied.

Award

Claim denied.



Patrick Halter
Neutral Member



Anthony Mosso
Carrier Member



Ryan Hidalgo
Organization Member

Dated on this 19th day of
May 2017