

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.

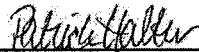
Consistent with the PLB Agreement for this Board, the evidentiary record in this proceeding is comprised of the following: (A) notice of investigation, (B) transcript of investigation and all related exhibits, (C) discipline assessment letter and (D) on-property correspondence related to progression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

The decision letter does not cite Claimant as having violated Rule 1.29 - Avoid Delays. Thus, the only issue is whether there is substantial evidence that Claimant violated Rule 1.13 - Reporting and Complying with Instructions.

Roadmaster Gray acknowledged that Claimant followed Gray's instructions on February 16, 2016, and that the failure to install the 440 yards of rail was due to frozen ballast conditions, movement of equipment and injury to a crew member. Although Claimant would be required to request more time for his crew to clear the track, in this situation the Roadmaster had contacted the chief dispatcher and made the request. Given these findings, the Board concludes that Claimant complied with Rule 1.13. Therefore, the claim will be sustained with Claimant made whole and no mark on his employment record.

Award

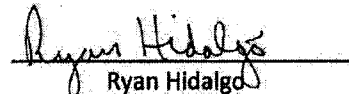
Claim sustained.



Patrick Halter
Neutral Member



Anthony Mosso
Carrier Member



Ryan Hidalgo
Organization Member

Dated on this 7th day
of July, 2017