

**PUBLIC LAW BOARD NO. 7544**

**Brotherhood of Maintenance of Way  
Employees Division - IBT  
Rail Conference**

**and**

**SOO Line Railroad Company (CP)**

**Case No. 70  
Award No. 70  
System File No. D-07-17-510-02**

**Background**

On January 23, 2017, the Carrier issued to Claimant T. Blumhagen a notice of formal investigation and hearing. The notice stated, in part, the following:

"The purpose of this investigation/hearing is to determine the facts and circumstances and to place your responsibility, if any, in connection with your alleged failure where you were discourteous and insubordinate to a Company officer on January 10<sup>th</sup>, 2017. This indicates a possible violation of, but is not limited to, the following rules:

➤ **GCOR 1.6 - Conduct"**

On February 2, 2017, the formal investigation/hearing convened wherein Claimant and his representative were afforded the opportunity to present testimony and other evidence as well as examine the Carrier's witness and two (2) exhibits.

On February 28, 2017, the Director Track and Structures - Glenwood notified Claimant that the record of the proceeding established Claimant's violation of GCOR 1.6 - Conduct. Based on the rule violation, severity of incident and Claimant's past disciplinary record, the Carrier assessed Claimant a thirty (30) day suspension without pay.

On March 17, 2017, the Organization and the Carrier agreed to progress Claimant's discipline dispute for resolution before this Board using the abbreviated procedure provided for in Paragraph (K) of the PLB Agreement.

On July 18, 2017, the Organization filed an appeal with the AVP - Industrial Relations wherein the BMWWE states that the thirty (30) day suspension was arbitrary and an abuse of discretion. In this regard, the Carrier continued working Claimant for forty-seven (47) calendar days after assessing him the thirty (30) day discipline which was a thirty (30) workday suspension instead of the thirty (30) calendar day suspension assessed in the decision letter dated February 28, 2017. The BMWWE notes that Claimant served a thirty (30) workday suspension whereas another employee - - subjected to discipline under the same circumstances leading to Claimant's discipline - - has not served his suspension.

Findings

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.

Following the investigative hearing and the Carrier's issuance of a decision letter, the Organization and Carrier resolved this claim. Given that finding, the Board will dismiss the claim.

Award

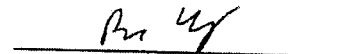
Claim dismissed.

Patrick Halter /s/

Patrick Halter  
Neutral Member



Anthony Mosso  
Carrier Member



Ryan Hidalgo  
Organization Member

Dated on this 11th day  
of January, 2018