

**PUBLIC LAW BOARD NO. 7544**

Brotherhood of Maintenance of Way )  
Employees Division - IBT )  
Rail Conference )  
 )  
and )  
 )  
 )  
 )  
SOO Line Railroad Company (CP) )

**Case No. 91**  
**Award No. 91**  
**System File No. D-120-17-445-45**

**Background**

On October 30, 2017, the Carrier issued to Claimant J. Rajewsky a notice of formal investigation and hearing. The notice stated, in part, the following:

“The purpose of the investigation/hearing is to determine all the facts and to place responsibility, if any, in connection with you allegedly failing to properly request and verify your Track Bulletin Form B on October 23, 2017. This indicates a possible violation of, but is not limited to, the following rules:

**GCOR 1.1.2 - Alert and Attentive**  
**OTS 22.1 - Temporary Restrictions - B. Track Bulletin Form B**  
**OTS 21.1.2 - Requesting On Track Safety For Controlled Tracks”**

On November 9, 2017, the investigation and hearing convened wherein Claimant and his representative presented testimony and examined the Carrier’s witness and five (5) exhibits.

On November 22, 2017, the Director OCS and Ballast issued a decision letter stating that the record of the proceeding established Claimant’s rules violations as charged. Based on substantial evidence, severity of the incident, and Claimant’s disciplinary history, CP dismissed Claimant from service.

On January 19, 2018, the Organization and the Carrier agreed to progress Claimant’s discipline dispute for resolution before this Board using the abbreviated procedure in Paragraph (K) of the PLB Agreement.

**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.

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After receipt of the parties' submissions, the Board was notified that the dispute had been resolved on property. With the dispute resolved, the Board dismisses the claim.

Award

Claim dismissed.



Patrick Halter  
Neutral Member

  
30 x 11.00 in.

Anthony Mosso  
Carrier Member



Ryan Hidalgo  
Organization Member

Dated on this 07th day  
of April, 2019