

PUBLIC LAW BOARD NO. 7566

BROTHERHOOD OF MAINTENANCE OF	)	Case No. 90
WAY EMPLOYES -- IBT RAIL CONFERENCE	)	Award No. 90:
	)	
and	)	
	)	
CANADIAN NATIONAL/WISCONSIN	)	
CENTRAL LTD.	)	
	)	Claimant: J. Harer

**STATEMENT OF CLAIM:** “Claim of the System Committee of the Brotherhood that:

1. The Carrier’s decision to impose a fifteen (15) unpaid working day suspension and one (1) year CN vehicle disqualification upon Mr. J. Harer for his alleged violation of USOR General Rule A – Safety, USOR General Rule B – Reporting and Complying with Instructions and CN Policy in connection with an alleged failure to have another employe guide him while backing up was arbitrary, excessive, disparate and on the basis of unproven charges (Carrier’s File WC-BMWED-2014-00027 WCR).
2. As a consequence of the Carrier’s violation referred to in Part 1 above, Claimant J. Harer shall receive ‘...the complete remedy prescribed in Rule 31 Paragraph I of the Collective Bargaining Agreement, as well as having his seniority restored, his accredited months of service, and all benefits that were not received during his time out of service.’ (Employees’ Exhibit ‘A-2’).”

**Findings:**

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier or employee within the meaning of the Railway Labor Act as approved June 21, 1934.

Public Law Board 7566 has jurisdiction over the parties and the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Carrier and Organization resolved the matter at the hearing.

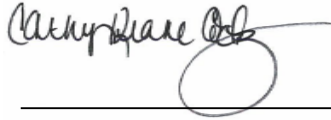
**Award:**

The claim is dismissed.



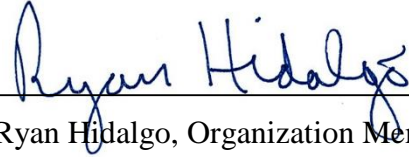
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Brian Clauss, Chairman



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Cathy Cortez, Carrier Member



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Ryan Hidalgo, Organization Member

Signed on July 24, 2018