

Case No. 6

AUG 13 1 14 PM '90

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: CSX Transportation, Inc.

ADJUTANT GENERAL

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
that:

Fifteen day suspension assessed W. L. Tucker, ID# 168392
as a result of investigation held October 27, 1989, at
Greenville, South Carolina."

FINDINGS:

On September 14, 1989, Claimant was instructed to attend a formal
investigation:

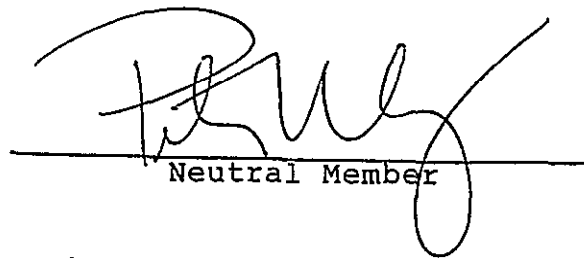
to develop the facts and place your responsibility, if any, in
connection with the collision of Train A755 and a Bruschcutler
at approximately 12 noon, Thursday, September 7, 1989, Turman
Road crossing near Mile Post AKL 59, Piedmont Subdivision and all
circumstances related thereto.

A formal hearing was held on October 27, 1989, and as a result,
Claimant was assessed a 15 calendar day suspension. The Organization
thereafter filed a claim on Claimant's behalf, challenging his
suspension.

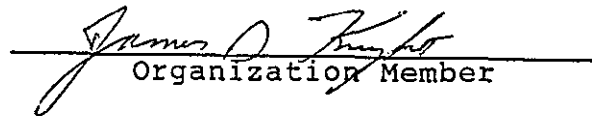
This Board has thoroughly reviewed the record and testimony in
this case and we find that there is absolutely no evidence whatsoever
that the Claimant was responsible for any wrongdoing. As in Case No.
5, there is no question that a collision occurred and that this
employee was involved in working in the area. However, in order to
establish sufficient grounds to issue a fifteen day suspension to a
Claimant, the Carrier, which has the burden of proof, must support its
charge with sufficient evidence. It has not done so in this case.
Therefore, the claim must be sustained.

Award:

Claim sustained.


Neutral Member


Carrier Member


Organization Member

Date: July 30, 1990