

SPECIAL BOARD OF ADJUSTMENT 1063

Case No. 219
Award No. 219

PARTIES TO DISPUTE:

Brotherhood of Locomotive Engineers

and

Norfolk Southern Railway Company
Norfolk and Western Railway Company, et al.

STATEMENT OF CLAIM:

Claim of Lake Division Toledo Engineer R. K. Cutlip for removal of fifteen days deferred suspension and pay for all lost time assessed for allowing his train to excessively block Mount Pleasant road crossing Bellevue, Ohio on March 1, 1993 while performing service as crew member on Train 332.

OPINION OF BOARD:

Claimant Engineer was charged, along with his Conductor, with blocking a public road crossing at Kilbourne, for an excessively long period, in the vicinity of Klines Yard, Bellevue, Ohio. Carrier conducted a formal investigation on this matter and disciplined both the Conductor and the Engineer. The Conductor's case is not before us, but we take administrative notice of the decision rendered in that case.

Regarding the Engineer's responsibility in this affair, it is not at all clear how he could be held accountable, when he was ordered by the Dispatcher to move to the point involved, then consoled with the understanding he would move his train shortly into the yard. It is obvious, there was a breakdown in communications between the Dispatcher and the crew, which unfortunately, required the motoring public to suffer. Compliance with Rule 103(d) is designed to prevent that result, however, it is not clear in this case, where Claimant failed, although others may have.

While it may not be totally relevant to our decision, we could not avoid observing the extreme hostility displayed by Claimant during the course of the trial and would recommend he give the matter some calm deliberation. If you exercise the option of representing yourself, it should be done with professional decorum.

FINDINGS:

The Agreement was violated.

AWARD:

Claim Sustained.

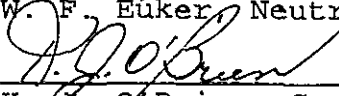
ORDER:

The Carrier will make the Award effective within thirty (30) days of the effective date.

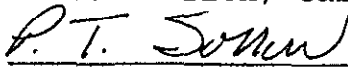
Dated at Norfolk, Virginia, this 31st day of December, 1997.



W. F. Euker, Neutral Member



K. G. O'Brien, Carrier Member



P. T. Sorrow, Organization Member