

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1037

Case No. 15

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

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

Five (5) day overhead suspension assessed to R. D. Eaves,
ID# 159596, as a result of investigation held August 24,
1990, at Clinton, South Carolina."

FINDINGS:

Claimant R. D. Eaves was issued a charge letter, via Registered
Mail, on May 22, 1990, instructing him to attend an investigation
to answer his alleged violation of the following rules:

Rule 2117 of CSX Transportation Engineering Department
Maintenance Rules and Practices - "They (track foremen) must
see that all work done under their supervision is performed
in a quality manner conforming to standard practice and are
responsible for seeing that the track upon which their
forces have worked is in a safe condition prior to the
passage of trains and on the completion of work";

General Rule J - "The track will be protected, by an appropriate
temporary speed restriction, during any period that it is
not safe for the movement of trains at authorized speed";

and Rule 7.2.2 of the CSX Transportation Track Foreman's
Guide to Preventing Track Buckling.

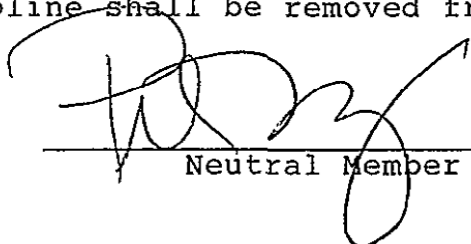
A formal hearing was held on August 24, 1990, and as a result,
Claimant was assessed a five day overhead suspension. The
Organization thereafter filed a claim on the Claimant's behalf,
challenging his suspension.

This Board has reviewed the testimony in the record of this case
and we must find that the Carrier has not met its burden of proof of
showing that the Claimant violated Carrier rules on the date in
question. Although the record reveals that not everything was
performed properly on May 17, 1990, there is simply insufficient

evidence of any wrongdoing on the part of the Claimant to support any discipline. Therefore, the claim will be sustained.

Award

Claim sustained. The Claimant shall be made whole for any monies lost and any discipline shall be removed from his record.



Neutral Member

Carrier Member

Organization Member

Date: _____