

Aug 13 1 14 PM '90

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: CSX Transportation, Inc.

ADJUDICATION

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

Thirty day suspension assessed M. D. Cupp, ID# 168297
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 30 calendar day suspension. The Organization
thereafter filed a claim on Claimant's behalf, challenging his
suspension.

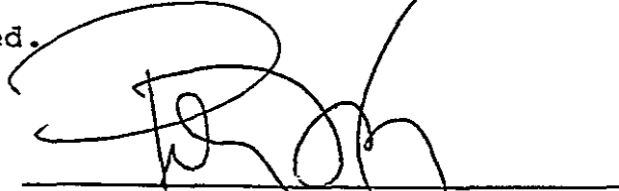
This Board has reviewed the evidence and testimony in this case
and we must find that there is not sufficient evidence in the record
to support the finding that the Claimant was guilty of any wrongdoing
in this case.

There is no question that a serious accident occurred and that
the Claimant was working in that area and had responsibility
for the proper performance of his duties. However, the Carrier bears
the burden of proof and there is not enough evidence in the record
before this Board that indicates that the Claimant was responsible for

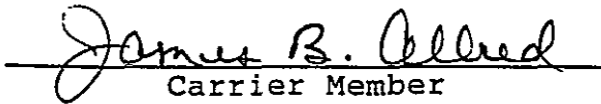
that collision. There is, the Carrier had no just cause to issue discipline to him. Hence, the claim must be sustained.

Award:

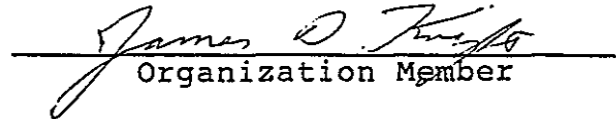
Claim sustained.



Neutral Member



Carrier Member



Organization Member

Date: July 30, 1990