

PUBLIC LAW BOARD NO. 6468

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS))	
AND TRAINMEN)	
)	NMB CASE NO. 184
VS)	AWARD NO. 184
)	
CSX TRANSPORTATION, INC.)	

STATEMENT OF CLAIM:

We feel that this discipline assessed Engineer Napier is excessive and inappropriate. We are asking that it be overturned and Mr. Napier be made whole for his lost earnings, including time required to be off for the hearing, and that all these charges be stricken from his record.

FINDINGS AND OPINION

The Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as amended. This Board has jurisdiction of the dispute here involved.

Claimant was summoned to a formal investigation on a charge that he failed to announce by radio each signal governing the movement of his train, and also failed to report to the Yardmaster that the lead locomotive was written up for low lube oil, resulting in crew on the outbound train being annulled due to power failure. Following the investigation Carrier found claimant guilty of the charges against him and assessed a ten (10) day actual suspension from service as discipline.

This Board has had the opportunity to review the transcript of investigation, together with all other documents submitted by the parties, and it is our finding that Carrier has failed in its burden to produce substantial evidence that claimant was guilty of the charges against him. Under the circumstances, the claim here must be sustained.

Award No. 184

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AWARD

Claim sustained. Carrier is instructed to comply with this Award no later than thirty (30) days from the date hereof.

F. T. Lynch

F. T. Lynch, Neutral Chairman

H. J. Garcia

H. J. Garcia, Carrier Member

Paul T. Sorrow

Paul T. Sorrow, Employee Member

Award date 06/29/07