

PUBLIC LAW BOARD NO. 6468

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS))	
AND TRAINMEN)	
)	NMB CASE NO. 189
VS)	AWARD NO. 189
)	
CSX TRANSPORTATION, INC.)	

STATEMENT OF CLAIM:

It is requested that Engineer Clare be paid for all time lost attending the hearing on April 27, 2006 with removal from his record all reference thereof to the two days overhead suspension assessed for a period of six months with seniority rights unimpaired.

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 did not meet minimum availability requirements outlined in System Notice 102 for the period February 27, 2006 through March 26, 2006. Following the investigation Carrier found claimant guilty of the charge and assessed a 2 day overhead suspension for a period of six months as discipline.

This Board has had the opportunity to review the transcript of investigation, together with all other documents submitted by the parties, and must note that this is another dispute involving the Minimum Availability Requirements established by the Carrier. The Board should note that the hearing consists of some 84 pages of testimony; however, after a thorough review, we find Claimant was "prejudged" and, therefore, could not receive the fair and impartial hearing to which he was entitled under the provisions of the governing rule in the parties agreement.

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Based on our finding set forth above the Bard must sustain this claim and the discipline assessed must be removed from claimant's record. He is to be compensated for time lost while attending the hearing held on April 27, 2006.

AWARD

Claim sustained. Carrier is instructed to comply with this Award within thirty (30) days of 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