

PUBLIC LAW BOARD NO. 6468

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS))	
AND TRAINMEN)	
)	NMB CASE NO. 203
VS)	AWARD NO. 203
)	
CSX TRANSPORTATION, INC.)	

STATEMENT OF CLAIM:

We the employees ask that you overturn this discipline and have it removed from Mr. Sadler's permanent record and to make him whole for any lost earnings for being required to be present at this hearing.

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 on July 23, 2005 he marked off on call for N25919. Following the investigation Carrier found claimant guilty and assessed a 2 day overhead suspension for 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 it is our finding that while claimant accepted the call at 3:12 AM, he thereafter became sick and called crew management at 4:46 AM and explained he was sick and unable to cover the assignment. Claimant produced a certificate from his doctor confirming he was under a physician's care.

Based on the record in its entirety, it is the decision of this Board that claimant acted properly when he became ill and was unable to cover the assignment for which he had been called. Under the circumstances, it is found that the alleged violation of Rule GR-1 cannot be upheld. The claim will be sustained.

Award No.203

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AWARD

Claim sustained. Carrier is instructed to comply with this Award within thirty 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

07/10/07