

PUBLIC LAW BOARD NO. 6468

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS)	)	
AND TRAINMEN	)	
	)	NMB CASE NO. 205
VS	)	AWARD NO. 205
	)	
CSX TRANSPORTATION, INC.	)	

STATEMENT OF CLAIM:

We request that Engineer M. D. Strother, ID #320265, record be cleared of this charge and be paid all lost wages for five (5) days actual suspension and lost wages for being required to attend the investigation conducted on September 14, 2006.

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 the minimum availability requirements during the period from July 10, 2006 through August 6, 2006. Following the investigation Carrier found claimant guilty of the charge and assessed a 30 day actual suspension from service as discipline (see Carrier's Exhibit "B" - Letter dated October 10, 2006 addressed to claimant from Division Manager G. M. Williams III.) Some time thereafter, for reasons unknown to this Board, the discipline assessed was reduced to a 5 day actual suspension.

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 to justify its decision that claimant was in violation of the minimum availability requirements during the period here involved. Based on the record in its entirety, the claim must be sustained.

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 7/10/07