

**PUBLIC LAW BOARD NO. 6649**

**Award No.  
Case No. 14**

**PARTIES TO DISPUTE:**

**(Brotherhood of Locomotive Engineers**

**(Kansas City Southern Railway Company**

**STATEMENT OF CLAIM:**

**Claim of Engineer Phillip McQueary for removal of Letter of Reprimand from his personal record and pay for all time lost in connection with an investigation held in Wylie, Texas, on February 3, 2004.**

**FINDINGS**

**Upon the whole record and all the evidence, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board is duly constituted by Agreement, has jurisdiction of the Parties and of the subject matter, and the Parties to this dispute were given due notice of the hearing thereon.**

**On January 24, 2004, Claimant was called to be on duty at 2200 hours. His assignment had two units. He found the trailing unit contained the radio and a head end device that belonged in the lead unit. With the radio and head end device in one hand and flashlight in the other, using the engine catwalks, he started forward. Unfortunately, he slipped, dropped the flashlight, the radio and the end device. When he slipped, his foot missed the first step and landed on the second, resulting in a scraped leg.**

**He filed Form 68-D (Injury report) as he knew that should the scrape be more severe to him physically, that a report would be filed late and for sure he would be in serious trouble.**

An investigation was scheduled and Carrier, believing they furnished sufficient evidence establishing Claimant's culpability for the charges assessed, thus issued a formal reprimand that remains in his disciplinary file.

It also was clearly stated that Claimant did not seek medical advice, did not miss any work and stated he filed the 68-D only to protect himself.

Under the circumstances present in this case, it is the decision of this Board that the formal reprimand be removed from his file and any and all reference to this incident also be removed from his file.

AWARD

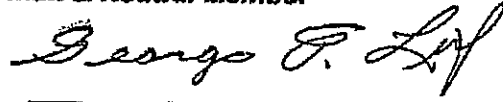
Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the award effective on or before 30 days following the date the award is adopted.

  
Robert L. Hicks, Chairman & Neutral Member

  
Marie W. Geiger, For the Employees

  
George Lelf, For the Carrier

Dated: July 11, 2007