

PUBLIC LAW BOARD NO. 6907

**Award No.
Case No. 12**

PARTIES TO DISPUTE:

(Kansas City Southern Railroad

(Brotherhood of Locomotive Engineers & Trainmen

STATEMENT OF CLAIM:

Claim of Engineer Jonathan West for removal of 30 day suspension and pay for all time lost in connection with an investigation held in Meridian, MS, on October 18, 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.

Claimant was the Engineer assigned to report for work at 2220 hours, October 8, 2004. The locomotive consist was attached to the train. All that Claimant had to do was to read the so-called green card that advises of the engine inspection, brake set, etc.

The Conductor reported to the Dispatcher that the lead unit was 608 and the Dispatcher issued orders for the train that was identified as train 608. When Claimant's train passed another that was waiting on a side track, that crew remarked about train orders permitting movement made out for unit 608, that the current unit number was 600. Claimant and the Conductor immediately contacted the Dispatcher who then issued corrected orders addressed to unit 600.

The investigation clearly developed neither the Conductor nor the Claimant noted

the engine number when they boarded the engine. They advised the Dispatcher that the lead unit was 608, relaying the number stenciled or written on the inside of the unit. The so-called green card listed the correct unit number, but obviously this was overlooked by Claimant because he never corrected the Conductor's report to the Dispatcher that the lead unit was 600.

This Board can readily understand the confusion about the unit number, but it is difficult to understand how two knowledgeable employees would not have noted the engine number when they boarded the unit, nor how could Claimant overlook the correct unit number listed on the green card by the mechanic who left the unit tied on and ready to go. Claimant has to share in the discipline. He had two chances to determine the correct unit number; 1) when he boarded the unit, and 2) when he reviewed the green card.

Proper identification of units is a necessity for traffic control. Without it, chaos can reign. The Board does agree that this is a serious breach when moving a unit without proper authority, but Claimant cannot be held solely responsible for the mishap. The Mechanical Department must assume some responsibility in mislabeling the unit.

The Carrier did establish the bona fides of the charges assessed, but due to the mislabeled interior of the unit, finds a 30-day suspension is too harsh, particularly when Claimant has a clean record and if he doesn't, this Board has never been advised of an existing record.

The 30-day suspension is reduced to a 10-day suspension. Claimant is to be paid 20 days of earnings he lost.

AWARD

Claim sustained in accordance with the Findings:

ORDER

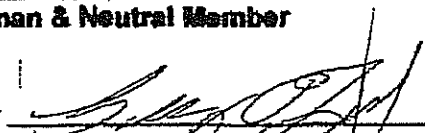
This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the award effective on or before 30 days following the date the award is adopted.



Robert L. Hicks, Chairman & Neutral Member



Marie Geiger, For the Employees



George F. Loff, For the Carrier

Dated: *March 8, 2006*

