

AWARD NO. 32

Case No. 32

Organization File No.

Carrier File No. IC-BLET-2009-00045

PUBLIC LAW BOARD NO. 7154

PARTIES) BROtherHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN
)
TO)
)
DISPUTE) CANADIAN NATIONAL (ILLINOIS CENTRAL RAILROAD)

STATEMENT OF CLAIM:

Claim of CN/IC Engineer S. P. Sandlin for removal of a five (5) day suspension and payment thereof, plus one (1) day attending the investigation held on January 7, 2009 to determine your responsibility, if any, in connection with damage caused to GATX 44069 and GATX 46271 on December 08, 2008.


FINDINGS:

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 15, 2007, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.

On December 8, 2008 Claimant, an extra board engineer, was working on Assignment RJY23 at Memphis, Tennessee. At approximately 12:30 am on that date, Claimant made a move through the short crossover switch between Trim 1 and the Departure Yard and then reversed. On the reverse move, two cars derailed before Claimant was able to stop the movement. He was subsequently directed to attend a formal investigation in connection with this incident and was assessed a five day suspension.

The Carrier concluded that the derailment was the result of Claimant operating through a switch that was not properly lined for his movement. Claimant contends he checked the switch points before going through the switch, but acknowledges that he had not checked the switch target. Upon our review of the record of the investigation, we find that there was substantial evidence to support the Carrier's charge against Claimant. Under the circumstances, we find no basis to modify the discipline imposed. In reaching this conclusion, we have considered the various arguments advanced by the Organization and find them to be without merit.


AWARD: Claim denied.



Barry E. Simon
Chairman and Neutral Member



Dennis Pierce
Employee Member



Timothy E. Rice
Carrier Member

Dated: February 19, 2010
Arlington Heights, Illinois