

AWARD NO. 45  
Case No. 45

Organization File No.  
Carrier File No. IC-BLET-2009-00210

**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 G. D. Reno for the removal of 30 days actual suspension from his personal work record and compensation for all time lost, plus one day lost wages for attending the investigation, for the alleged violation of CN/IC U.S. Operating Rules - General Rule A, Rule 104, Rule 520, Rule 600, ABTH Rule 325 and System Special Instruction #1 (Speed Restriction - Movement on Other Than Main Track) in connection with the derailment of locomotive CN 5793 at the north end switching lead at the Decatur Grand Yard while working assignment R 92291-16.


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.

While engaged in a switching move at Decatur Grand Avenue Yard, Claimant, while handling 52 cars, ran his engine out the end of a stub track. Claimant was consequently directed to attend a formal investigation in connection with this derailment. Following the investigation, Claimant was assessed a a thirty day suspension.

A review of the record of the investigation shows that Claimant's conductor was counting down the cars as they passed over a switch while Claimant pulled north. After the last car cleared the switch, the conductor told him to stop. Claimant was not able to stop the movement before it went off the end of the track, resulting in the locomotive derailing. Under the circumstances, we find that there was substantial evidence to support the Carrier's charge against Claimant. We do not find the assessment of a thirty day suspension to be excessive. In reaching this conclusion, we have considered the various arguments advanced by the Organization and find them to be without merit.

AWARD: Claim denied.

  
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Barry E. Simon  
Chairman and Neutral Member

  
\_\_\_\_\_  
Dennis Pierce  
Employee Member

  
\_\_\_\_\_  
Timothy E. Rice  
Carrier Member

Dated: August 25, 2010  
Arlington Heights, Illinois