

PUBLIC LAW BOARD NO. 7154

BROTHERHOOD OF)
LOCOMOTIVE ENGINEERS)
AND TRAINMEN)
)
vs.)
)
CANADIAN NATIONAL/ILLINOIS)
CENTRAL RAILROAD)

CASE NO. 78
AWARD NO. 78

STATEMENT OF CLAIM:

Appealing the 60-day suspension consisting of 30 days deferred suspension (July 8, 2014 through July 7, 2015) and 30 days Actual Suspension to be served July 9, 2014 through August 7, 2014 assessed to CN/IC Railroad Engineer Barry Cobb on July 8, 2014 for the alleged violation of CN U.S. Operating Rule General Rule I in connection with allegedly missing a call for L51671-16 listed at 0830 hours on June 16, 2014.

FINDINGS:


Public Law Board No. 7154, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of the hearing and did participate therein.


We have carefully reviewed the record in its entirety. First, we find no evidence of any procedural irregularity or unfairness in the conduct of the hearing. On the merits, the record demonstrates that the Carrier has met its burden of proving Claimant's guilt by substantial evidence. However, we find, given the nature of the offense and Claimant's personal record, the penalty assessed is arbitrary, capricious and excessive, and reduce it to a five-day deferred suspension. We order Claimant made whole for his losses, if any, in accordance with the usual practices in effect on this property, and that his personal record be corrected accordingly.

AWARD

Claim sustained in accordance with Findings.


JACALYN L. ZIMMERMAN
Neutral Member


JOHN K. INGOLDSBY
Carrier Member


MARCUS RUEF
Organization Member

♥ Dated this *6th* day of *May*, 2016.