

PUBLIC LAW BOARD 7239

PARTIES BROTHERHOOD OF LOCOMOTIVE
 ENGINEERS AND TRAINMEN
 TO

AWARD NO. 113
CASE NO. 113
FILE: 2019-0568

DISPUTE KANSAS CITY SOUTHERN RAILWAY COMPANY


STATEMENT OF CLAIM: Claim of KCS Brakeman Beau Brewer for the unwarranted discipline of letter of reprimand added to his personnel file. This claim is for removal of all notations from his personal work record of discipline assessed, and an additional day's pay for attending the hearing for alleged violation of The Kansas City Southern Railway Company's General Code of Operating Rules 7.1 -Switching Safely and Efficiently and GCOR Rule 7.7 - Kicking or Dropping Cars amended by System Special Instructions.

FINDINGS AND OPINION: This Board finds the parties herein are the Carrier and Employee, respectively, within the meaning of the Railway Labor Act, as amended: this Board has jurisdiction over this dispute; and the parties were given due notice of the hearing.

Claimant was employed on January 20, 2014. On August 26, 2019, Claimant was working as brakeman on the R-JA221-26 in Jackson, Mississippi. A Carrier officer saw Claimant release a block of six cars at one time down the lead track. As a result, a hearing was held and based on the evidence, Claimant was assessed a letter of reprimand.

Substantial evidence supports the charges. System Special Instructions states that no more than five cars are permitted to be dropped or kicked in one block. Claimant states he miscounted. The discipline was issued under Carrier's discipline Policy Matrix. The Board finds no basis to overturn the Carrier's decision.

AWARD: Claim denied.



David N. Ray, Chairman



Jacob McCahill, Carrier Member



J. Alan Holdcraft, Employee Member