

## PUBLIC LAW BOARD 7239

PARTIES      BROTHERHOOD OF LOCOMOTIVE  
                 ENGINEERS AND TRAINMEN  
                 TO  
DISPUTE      KANSAS CITY SOUTHERN RAILWAY COMPANY

AWARD NO. 120  
CASE NO. 120  
FILE: 2019-0911

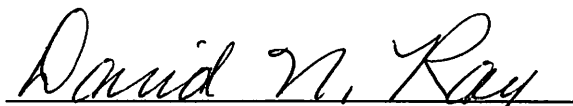
STATEMENT OF CLAIM: Claim of KCS Engineer Reginald Owens for the unwarranted discipline of letter of 1 point under the Availability Policy Train, Engine & Yard Employees. This claim is for removal of all notations of discipline from his personal work record of discipline assessed, and an additional day's pay for attending the hearing for alleged violation of The Kansas City Southern Railway Company's General Code of Operating Rules 1.15 - Duty - Reporting or Absence and The Kansas City Southern Railway Company's General Code of Operating Rules 1.16 - Subject to Call.


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 October 16, 2000, and was subsequently promoted to engineer. On December 29, 2019, Claimant was called as engineer on the I-DAAT-29, on duty at 7:20 a.m. in Shreveport, Louisiana. There was no answer. As a result, a hearing was scheduled and based on the evidence, Claimant was assessed one point.

The evidence developed in the hearing confirms that Claimant violated Carrier's rules. The record indicates Claimant was called multiple times between 5:23 a.m. and 5:48 a.m. Claimant stated he never received a call and provided evidence there was technical problem with the phone service. Claimant stated he never missed a call in twenty years and voluntarily added an additional number as suggested by his supervisor. After a thorough review of the entire record, the Board will remove the discipline from Claimant's record, but deny any pay for time lost.

AWARD: Claim sustained, in part, in accordance with Findings.

  
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David N. Ray, Chairman

  
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Jacob McCahill, Carrier Member

  
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J. Alan Holdcraft, Employee Member