

## PUBLIC LAW BOARD 7239

PARTIES      BROTHERHOOD OF LOCOMOTIVE  
                 ENGINEERS AND TRAINMEN  
                 TO

AWARD NO. 130  
CASE NO. 130  
FILE: 2020-135-01

DISPUTE      KANSAS CITY SOUTHERN RAILWAY COMPANY

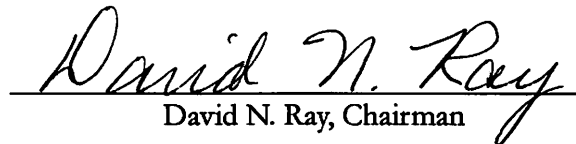
STATEMENT OF CLAIM: Claim of KCS Engineer Mitchell Rupard for the unwarranted discipline of 30 days suspension of which 5 was actual suspension from service (October 26, 2020 through October 30, 2020) and twenty five (25) days record suspension added to his personnel file. This claim is for all compensation-lost during suspension and 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 Air Brake Systems and Train Handling Rules and Instructions 101.14 - Securing Equipment.

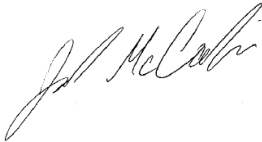
FINDINGS AND OPINION: This Board finds the parties herein are the Carrier and Employee, respectively, within the meaning of the Railway Labor Act, as amended: this Board has jurisdiction over this dispute; and the parties were given due notice of the hearing.

Claimant was employed on July 15, 1996, and subsequently promoted to engineer. On September 18, 2020, Claimant was engineer on the LSR101-18, a local out of Slater, Missouri. Carrier supervisors at Odessa, Missouri observed the crew pull into Odessa and pick up power. A supervisor pulled the DVR and event recorder and found that Claimant failed to perform a proper securement test. The video revealed Claimant mounted a separate locomotive leaving two locomotives unattended on the main line. As a result, a hearing was held, and based on the evidence, Claimant was assessed a thirty day suspension, of which five days were served.

The evidence developed in the hearing confirms that Claimant violated Carrier's rules. The Organization argues that the crew never left the area and a securement test was not needed. Claimant felt he was working as quickly and safely as possible and stated there was no need for a securement test while he was on another engine. The engines were left unattended on the main line with no securement test while Claimant was on another engine. The discipline was issued under Carrier's discipline Policy Matrix. We find no basis to overturn the Carrier's decision.

AWARD: Claim denied.

  
David N. Ray, Chairman

  
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Jacob McCahill, Carrier Member

  
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J. Alan Holdcraft, Employee Member

Signed at Estero, Florida on December 30, 2021.