

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Award No. 24876

Docket No. 44540

98-1-96-1-U-1894

The First Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

(Brotherhood of Locomotive Engineers

PARTIES TO DISPUTE: (

(Union Pacific Railroad Company (MoPac)

STATEMENT OF CLAIM:

"Claim of Engineer R. Jones for pay for all time lost, and the clearing of notation of discipline from his personnel record."

FINDINGS:

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant was working as Locomotive Engineer on a train which, at the time of the occurrence at issue, had two incidents of emergency application of the air brakes. An inspection of the train after the second application of the air brakes revealed a derailment. While there were no injuries, the derailment resulted in a blockage of the Illinois Central and Burlington Northern Main Lines for approximately five hours. Uncontroverted evidence on the record indicated that the derailment had occurred after the first emergency application of the air brakes.

Testimony on the transcript of the investigatory hearing establishes Claimant's culpability in the incident. In the circumstances, the Board finds no basis for overturning or modifying Carrier's assessment of discipline in this case.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Dated at Chicago, Illinois, this 5th day of February 1998.