

PUBLIC LAW BOARD 7158

PARTIES BROTHERHOOD OF LOCOMOTIVE
 ENGINEERS AND TRAINMEN
 TO
DISPUTE UNION PACIFIC RAILROAD COMPANY

AWARD NO. 52
CASE NO. 52
UP FILE: 1543217D
BLET FILE: 657

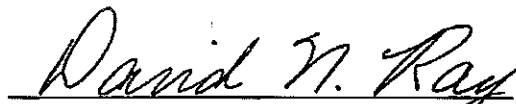
STATEMENT OF CLAIM: Claim for the removal of the Level 3 discipline from the record of Engineer J.M. Stefanatos and that the Claimant be made whole, which includes but not limited to lost earnings, all vacation rights, cobra payments and any other penalties associated with this discipline as stipulated in the scheduled discipline agreement.

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 is a six year employee. On November 24, 2010, Claimant was working yard job YNE65 at Enid, Oklahoma. Claimant's crew was switching at an industry(Oxbow Calcium) when a car rolled free colliding with Claimant's train and causing a derailment. As a result, a hearing was held and based on the evidence, Claimant was suspended for five days.

The evidence developed in the hearing confirms that the crew failed to comply with Carrier's rules. The Organization has advanced numerous procedural arguments, which the Board finds are not fatal to the instant case. The Organization also argues that the Engineer was following his crew's signals and had no way of knowing of any rule violations. We agree.

AWARD: Claim sustained.


David N. Ray, Chairman


Marques A. Wilson, Carrier Member


Michael D. Twombly, Employee Member

Signed at Estero, Florida on August 26, 2011.