

Award No. 466
Case No. 466

PUBLIC LAW BOARD NO. 5383

BROTHERHOOD OF LOCOMOTIVE ENGINEERS)	
)	
vs.)	Parties to Dispute
)	
UNION PACIFIC RAILROAD COMPANY)	

STATEMENT OF CLAIM:

Claim in behalf of Engineer T. H. Frame, Union Pacific Railroad former Chicago and North Western Transportation Company for compensation for all time lost including time spent at the investigation and that this incident be removed from Claimant's personal record when he was investigated on the following charge:

"Your responsibility for excessive delay to your train at Northfield, Minnesota and your responsibility for violation of rules 103(c) and 103(d) of the consolidated code of Operating Rules, Edition of 1980 while employed as crew members of Extra 4620 South at Northfield, Minnesota on May 23, 1981."

FINDINGS

Upon the whole record and all the evidence, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that the Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

Article 37 of the Agreement states that the investigation ".....will be held within five (5) days, if practicable.....". The record in this case shows that the rule was violated and the Employees ask that the claim be sustained accordingly.

In First Division Award 16299 the Board sustained claim on the premise that the Carrier had not shown a valid reason why the hearing could not be held within the five (5) day period. Other awards find similarly, as does this Board in the instant dispute.

AWARD

Claim is sustained.

ORDER

The Carrier is ordered to make this Award effective within thirty (30) days from the date shown below.

B. H. Fran Anthony
Employee Member

Al J. Gonzalez
Carrier Member

J. Kelly
Chairman and Neutral Member

Dated: October 23, 1997