

STATEMENT OF CLAIM:

"Your responsibility in connection with exceeding the speed limit at Mile Post 37.2 to Mile Post 37.5 on the Trenton Sub, while your train, the Extra 6871 North, was detected by radar operating at 32 miles per hour in a 10 mile per hour speed restriction at this location, while employed as crew members on this extra on Thursday, May 10th, 1904 at approximately 10:00 A.M."

Claimant Engineer was found responsible for exceeding the speed limit by twenty-two (22) mph in a ten (10) mph zone. He was disciplined with sixty (60) days suspension.

The Employees admit that Claimant failed an efficiency test but contend that the penalty is too severe.

Claimant admitted that he had overlooked the slow order. It was stated at the investigation, however, that yellow boards required by the rules to mark slow territory were not in place. It was also noted that the train order was white rather than yellow as required.

Taking the above into account as well as Claimant's eighteen (18) years of service with only two (2) minor disciplinary entries, the Board finds that the discipline assessed here was excessive. It will be reduced to thirty (30) days suspension.

AWARD

Claim is sustained, in part, as indicated above.

ORDER

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

B. H. Lane Arthur  
Employee Member

W. J. Gonzalez  
Carrier Member

W. J. O'Leary  
Chairman and Neutral Member

Dated: Feb 20, 1958