

Award No. 520
Case No. 520

PUBLIC LAW BOARD NO. 5383

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

STATEMENT OF CLAIM:

Claim in behalf of Hostler S. Roach, Union Pacific Railroad former Chicago and North Western Transportation Company, for compensation for all lost time 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 in connection with your failure to avoid injury to yourself on October 6, 1990 at approximately 8:40 p.m., while employed as hostler at the Proviso Diesel Shop, while assigned to Job 56."

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.

Claimant Hostler was found responsible in connection with a fall he took when he slipped on a puddle of oil. He was disciplined with ten (10) days suspension.

Following Claimant's fall, he was taken to a hospital even though he did not want to go. No injuries were found and no evidence of alcohol or drugs was reported. No time was lost except in connection with the hospital visit.

The Board finds that the incident would have been virtually a non-event if the supervision had not been so eager to do something. It was stated at the investigation that the reason Claimant was tested was because he had been placed under the discipline system. The Employees contend Claimant fell because the Carrier did not provide a safe place to work.

The Board finds that the discipline should be set aside.
See Award 1/44 of SBA-235.

AWARD

Claim is sustained.

ORDER

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

B. D. Lewis Arthur
Employee Member

Al Gonzalez
Carrier Member

D. Kelly
Chairman and Neutral Member

Dated: Feb 20, 1998