PUBLIC LAW BOARD NO. 5585

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

STATEMENT OF CLAIM:

Claim in behalf of Engineer D. W. McMullen, Union
Pacific former Chicago and North Western Trans-
portation 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 for your failure
to properly protect your assignment when
you reported late for Job 7308, on duty
West Chicago at 7:35 A.M., Tuesday,
October 2, 1984 while you were employed
as a Fireman on crew #8."

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 Fireman was found responsible for failure to

protect assignment when he reported late at an away from

Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

Claimant Engineer was found responsible for failure to make a proper air brake test on a pick up at Queens Siding. He was disciplined with five (5) days suspension.

The transcript indicates that two (2) supervisory employees observed how the crew performed during the pick up in question. While it appears that the crew might have been taking short cuts not provided by the rules, some of the critical testimony of the Engineer was unclear since "inaudible" was transcribed. On this basis we find that the case against Claimant was not firmly established. The suspension will be set aside.

<div align="center">AWARD</div>

Claim is sustained.

<div align="center">ORDER</div>

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

_____
Employee Member

_____
Carrier Member

_____
Chairman and Neutral Member

Dated: 3-20-98