

Award No. 592
Case No. 592

PUBLIC LAW BOARD NO. 5383

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

STATEMENT OF CLAIM:

The Brotherhood of Locomotive Engineers Union Pacific, former Chicago and North Western request the Division compensate Engineer J. B. Pietschmann for all time lost including time spent at the investigation and that this incident be removed from Claimant's personal file when he was investigated on May 5, 1980 regarding the following charge:

"Your responsibility for Engine 419 colliding with cars on Track 10 in Chicago Passenger Terminal at approximately 6:50 A.M. on May 1, 1980, while you were a member of the engine crew on No. 305 causing damage to Engine 419 and Coach No. 149."

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 Engineer was found responsible in connection with collision and damage at Chicago Passenger Terminal. He was disciplined with thirty (30) days suspension.

The essential facts are that Claimant and his fireman were backing to connect to cars which they struck at approximately five (5) mph since the cars were ahead of the point usually located. Claimant's view for some of the distance traveled was partially obstructed.

The Board finds that Claimant erred in not expecting the unexpected. Some discipline would be appropriate, but the thirty (30) day suspension given to him is not reasonable. The record indicates that his disciplinary history is clear for sixteen (16) years prior to this incident. Based upon this fact and similar cases on this Carrier with which the Board is familiar, the Board finds that the suspension should be reduced to five (5) days.

AWARD

The discipline is reduced to five (5) days suspension as indicated above.

ORDER

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

B. L. Ivan Arthur
Employee Member

R. G. Long
Carrier Member

J. Kelly
Chairman and Neutral Member

Dated: 5-22-98