

AWARD NO. 35
CASE NO. 35

PUBLIC LAW BOARD NO. 5392

PARTIES)
TO)
DISPUTE)

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM

Claim of Engineer T. D. Martin, ID #199389, for removal of all notations on his personal record and pay for all time lost, associated with the discipline assessed (45 days actual suspension) by Carrier on March 13, 1998, as a result of an investigation conducted on February 13, 1998, wherein Claimant was alleged to have passed a stop signal without authority on January 28, 1998 at Hamlet Diesel Shop.

OPINION OF BOARD

Claimant received a 45 day suspension for proceeding past an absolute stop at the Hamlet Diesel Shop on January 28, 1998.

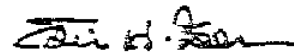
We find substantial evidence does not support the Carrier's decision to impose discipline. At the time of the signal violation, Claimant was relying upon instructions from Conductor J. A. Upton. From his position, Claimant was unable to see the track in front of the movement. Conductor Upton

was positioned at the lead of the movement and did not observe the stop signal and thus did not convey that information to Claimant. Under the circumstances, it was not unreasonable for Claimant to rely upon the information (or lack thereof) from Conductor Upton.


The claim will be sustained. The discipline shall be rescinded and Claimant shall be made whole.

AWARD

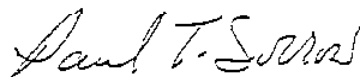
Claim sustained.



Edwin H. Benn
Neutral Member



Carrier Member



Organization Member

Jacksonville, Florida

Dated: 4/20/99