

PUBLIC LAW BOARD NO. 5613

Case No. 156
Award No. 156

Parties to dispute:

United Transportation Union
and
Union Pacific Railroad Company

Statement of claim:

Claim of conductor B. G. Moore for time lost on account of attending investigation June 15, 2000 and removal of Level 4, actual 30 days suspension, including an additional 43 days held out of service, with pay for all time lost. Claim includes payment for all wage equivalents to which entitled, including monetary equivalent of lost productivity shares, with all medical, surgical, life and dental benefits, and for any monetary loss for such coverage while improperly disciplined.

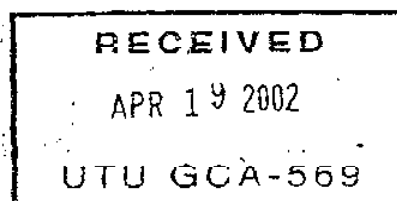
Opinion of Board:

Claimant was charged with passing a stop signal and moving onto the main line without authority.

Unfortunately the immense record of the investigation held on this matter is marred by instances of action, which have been held to result in failure to produce a fair record. The investigation was postponed arbitrarily by the Carrier. See Awards 13 of this Board and Award 41 of PLB 1906 (Moore). The dispatcher was requested and was not present to face the claimant and his questioning. An employee who had no first-hand knowledge of the incident when the author could have been present read certain evidence into the record. The result is a lengthy record, which fails to meet the inherent requirement of providing a full and fair investigation in compliance with the Agreement.

Findings:

That the agreement was violated.

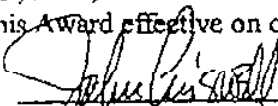


Award:

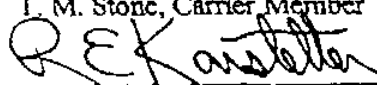
Claim sustained.

Dated this 26th day of August, 2001, at Omaha NE.

Carrier is directed to make this Award effective on or before 30 days from date.


John B. Criswell, Neutral Member


T. M. Stone, Carrier Member


R. E. Karstetter, Organization Member