PUBLIC LAW BOARD NO. 5959

Case No. 28
Award No. 28

Brotherhood of Locomotive Engineers)
)
vs) PARTIES TO
) DISPUTE
CSX Transportation, Inc.)

STATEMENT OF CLAIM

Claim on behalf of Engineer R. James, ID# 010235, for reimbursement of all earnings and benefits lost, including all earnings lost account of attending investigation, and service record cleared of all charges resulting from investigation held on July 30, 1991. Discipline assessed - five (5) days overhead suspension.

FINDINGS

This Board finds the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due and proper notice of hearing thereon.

Claimant was assessed a five (5) day overhead suspension as a result of an investigation held on July 30, 1991. Carrier found that claimant and his crew had damaged the shop door at the Western Maryland Service Railroad Shop.

The transcript of the investigation reveals the Carrier was informed on July 1, 1991 that the door to the shop had been damaged sometime after Thursday evening and Monday, July 1, 1991. The Carrier determined that the Claimant and his crew had worked in the area of the shop on Sunday. While it is true that the crew was working in the area of the shop, the transcript lacks evidence that the crew damaged the shop door. The Carrier has failed its burden to prove a violation of the Rules.

AWARD

Claim sustained. Carrier is ordered to comply with this award within 30 days of its date.

R.G. Richter, Chairman

L.F. Kell, Jr.
Carrier Member

D.M. Menefee
Employee Member

Dated 7-9-97