

PUBLIC LAW BOARD NO. 5959

Case No. 6
Award No. 6

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

STATEMENT OF CLAIM

Claim on behalf of Engineer G.E. Tanner, ID 508137, for reimbursement of all earnings and benefits lost, including all lost earnings account attending Carrier investigation, and service record cleared of all charges resulting from investigation held July 23, 1993. Discipline assessed: thirty (30) days actual 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 suspended for 30 days account being at fault in connection with the derailment of train L376/16 on July 18, 1993.

A review of the transcript of the July 23, 1993 investigation reveals that the claimant was the engineer of Train L376 when it derailed at Jessup. As the train was about to depart Jessup the conductor asked the claimant to back up the train about 10 car lengths so the conductor could board the head end. At the time of the conductor's request the claimant asked the conductor if there was sufficient room to make the move. Claimant was assured there was room to back up the 10 car lengths. The claimant proceeded to make the move shoving 7 cars through the west end switch, which caused the seventh car to derail.

During the investigation the conductor testified the derailment was his fault, and that the engineer had questioned him about the move before the move was made.


The Organization argues that the claimant did not violate any rules. It points out Rule 571 and 560 state that the conductor is in charge of the train, and the engineer is to comply with the instructions of the conductor concerning the movement of the train.

In the letter of discipline the carrier failed to cite which rule or rules the claimant violated in causing the derailment. The claimant questioned the move before backing up. The conductor

assured the claimant that there was room to make the move. There is no evidence in the record that the claimant violated any carrier rules.

AWARD

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



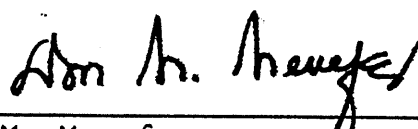
R.G. Richter, Chairman



L.F. Kell, Jr.
Carrier Member

Dated

3-18-97



D.M. Menefee
Employee Member