

SPECIAL BOARD OF ADJUSTMENT 1063

Case No. 190
Award No. 190

Parties to Dispute:

Brotherhood of Locomotive Engineers

and

Norfolk Southern Railway Company
Norfolk and Western Railway Company, et al.

Statement of Claim:

Claim for removal of twenty days deferred suspension and pay for all lost time of Lake Division Engineer J. A. Easterday which was assessed for his responsibility in a derailment at Argos, Indiana on March 6, 1996.

Opinion of Board:

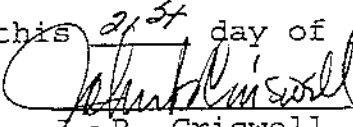
Claimant was assessed twenty days deferred suspension for his involvement in a derailment at Argos, Indiana. Claimant and crew were making a shove move on a descending grade and struck the cross-tie protector at the end of the track, derailing the rear car. While we agree that the use of insufficient braking power caused the incident, we find that all of the necessary information regarding the shove was not provided to claimant. Based on the mitigating circumstances and claimant's excellent record, we will reduce his suspension to a Letter of Reprimand.

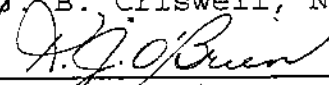
Findings: The Agreement was violated.

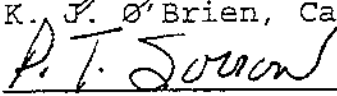
Award: Claim sustained as outlined in Opinion of Board.

Order: Carrier is directed to make this award effective on or before thirty days from the date of this award.

Dated at Norfolk, Virginia, this 21st day of April, 1997.


B. Criswell, Neutral Member


K. J. O'Brien, Carrier Member


P. T. Sorrow, Organization Member

Carrier File: OE-FTW-96-100
Org. File: OE-FTW-96-100