

SPECIAL BOARD OF ADJUSTMENT 1063

Case No. 221
Award No. 221

PARTIES TO DISPUTE:

Brotherhood of Locomotive Engineers

and

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

STATEMENT OF CLAIM:

Claim of Pocahontas Division Engineer G. W. McReynolds for removal of fifteen days deferred suspension and pay for all lost time assessed for damage to unit and coal tipple, Wilder, Virginia on January 29, 1997.

OPINION OF BOARD:

Claimant was charged and disciplined fifteen (15) days deferred for damage to locomotive and Dock Tipple, while working on Assignment Train U39, on January 29, 1997, in the vicinity of Wilder, Virginia, on the Dumps Creek branch. The accident occurred when the engine became engaged with the angle bars of the Loading chute protruding down from the load out at the Tipple.

At the trial, Claimant's defense was premised solely on his reliance upon the Conductor to guide him to the chute, because of limited visibility. Carrier asserts, Claimant could have changed controls and operated from the Unit next to the cars being placed at the Tipple and/or the movement could have been changed from radio communication to hand signals, bringing the Conductor closer to the Tipple and to the Claimant.

We believe Claimant shared some of the responsibility for moving under the Tipple, in violation of Time Table No. 1, although his fault was not his alone, therefore, we will reduce the discipline from fifteen (15) days deferred to a reprimand.

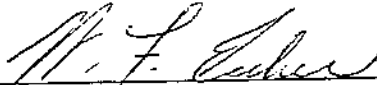
FINDINGS:

The Agreement was violated.

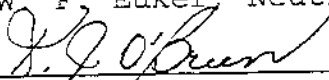
AWARD:

Claim sustained but no Order is necessary.

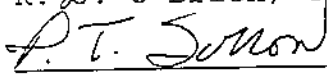
Dated at Norfolk, Virginia, this 31st day of December,
1997.



W. F. Euker, Neutral Member



K. J. O'Brien, Carrier Member



P. T. Sorrow, Organization Member

Carrier File: EE-NO-97-1
Org. File: D-37-97-1