

SPECIAL BOARD OF ADJUSTMENT 1063

Case No. 82  
Award No. 02

Parties to Dispute:

Brotherhood of Locomotive Engineers

and

Norfolk and Western Railway Company

Statement of Claim:

Claim of Lake Division (Columbus District) Engineer M. R. Osborne, for the removal of a Letter of Reprimand and pay while attending the investigation held in Columbus, Ohio on May 13, 1994. Mr. Osborne was charged with his responsibility in connection with the improper performance of duties in that the crew of L33L8 took an excessive amount of time switching fifteen (15) freight cars from 4:05 p.m., to 8:30 p.m., in the vicinity of Watkins Yard on January 25, 1994.

Opinion of Board:

While working Assignment L33L8 on January 25, 1994, in Watkins Yard, Columbus, Ohio, Claimant's crew was ordered to perform certain shifting moves between 4:05 p.m. and 8:30 p.m. The Yardmaster reported the crew did not perform this work efficiently and in an expeditious manner, consequently they were charged with taking an excessive amount of time in switching 15 cars, and Claimant was given a reprimand.

Our evaluation of the transcript does not support the Carrier's conclusion that Claimant was remiss in the performance of his duties on the date in question. There were a host of extenuating circumstances which played part in the amount of time consumed by the crew, including but not limited to, bad weather and the special rules applicable in Watkins Yard requiring the lead man to walk the switching move into the track if there are cars on an adjacent track. Moreover, the charge of excessive time for switching fifteen cars is not an accurate description of the number of cars shifted to retrieve the fifteen cars. We believe there is a lack of substantial evidence to support the discipline imposed in this case so we will sustain the claim for

removal of the reprimand from Claimant's record and compensation for the time attending the hearing, which we understand is a four hour minimum payment.

Award:

Claim sustained.

Dated at Norfolk, Virginia, this 28<sup>th</sup> day of February,  
1995.

William F. Euker  
William F. Euker, Neutral Member

Kenneth J. O'Brien  
K. J. O'Brien, Carrier Member

P. T. Sorrow  
P. T. Sorrow, Organization Member

Carrier File: EE-CO-94-7  
Org. File: D-511-94-1