

SPECIAL BOARD OF ADJUSTMENT NO. 928

AWARD NO. 92
NMB CASE NO. 92
UNION CASE NO. 92
COMPANY CASE NO. 92

PARTIES TO THE DISPUTE:

Brotherhood of Locomotive Engineers

- and -

National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

Appeal from the discipline of thirty (30) day suspension assessed Passenger Engineer S. D. Allison on March 15, 1990, in connection with the following charge:

Charge: "To develop the facts and place individual responsibility, if any, in connection with the charge that you failed to properly stop prior to coupling into equipment located on track #26, Union Station, Chicago resulting in an over speed impact, which in turn resulted in two occupied rail cars striking the bumping post. These incidents occurred while you were performing service as Engineer on the "Texas Eagle" Inaugural Train, Engine #395 at approximately 7:08 a.m., January 18, 1990.

Rule involved: AMTRAK Midwest Division
Timetable Number One; Special Instructions
#1103-2 and #1136-1; NORAC Operating Rules
effective October 1, 1988 - #114, #116, #117 and
#709."

OPINION OF BOARD:

Claimant entered engine service on the Illinois Central Railroad on February 25, 1970. He became an employee of Amtrak on March 18, 1987. At the time of the incident giving rise

to this claim, Claimant was assigned as engineer of Amtrak Train "Texas Eagle" Inaugural Train, Engine #395. After a failed coupling attempt on January 18, 1990, Track 26, Union Station, in Chicago, he was charged with failing "...to properly stop prior to coupling into equipment, resulting in an overspeed impact."

The Board has reviewed the record before us. It is apparent that the Claimant was following the directions of his Conductor during the maneuver in question. It is also clear that the Conductor misdirected Claimant, who was not in a position to move the train except as directed by the Conductor, since the Conductor had a full purchase on the coupling operation and the Engineer did not.

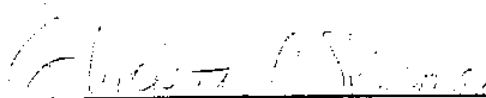
Under the circumstances the Carrier has not shown that Claimant was guilty of any dereliction of duty. Therefore, the Board finds no basis for the assessment of discipline imposed.

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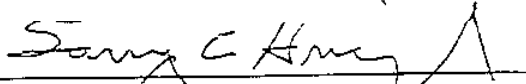
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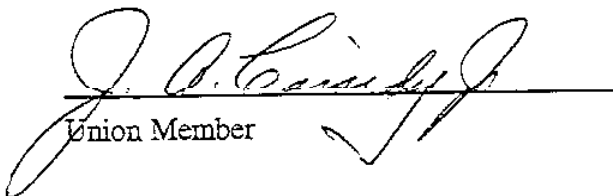
AWARD

Claim sustained



Elizabeth C. Wesman, Chairman


Carrier Member I DISSENT.


Union Member

Dated at 1-19-99