

**BEFORE  
PUBLIC LAW BOARD NO. 7362  
CASE NO.102**

<b>BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN (Western Lines)</b>	)	
<b>vs.</b>	)	<b>PARTIES TO THE</b>
<b>CSX TRANSPORTATION, INC.</b>	)	<b>DISPUTE</b>

**STATEMENT OF CLAIM:**

*"Claim on behalf of Engineer D.K. Sowards (202010) requesting compensation for all time lost during the fifteen (15) day actual suspension, compensation for time lost attending the investigation, with Claimant to be made whole for all benefits and contractual entitlements such as vacation, performance awards and bonuses. This claim also seeks that Engineer Soward's record then be cleared of the incident and his standing within the progressive steps of discipline found in the IDPAP be adjusted accordingly."*

**FINDINGS:**


The Board, upon consideration of the entire record and evidence herein, finds that the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated November 19, 2009, (as amended) that this Board has jurisdiction over the dispute involved herein, and that the parties were provided due notice of the instant proceedings. As specified in the PLB Agreement establishing this Board, this Award shall be limited to one page and shall not establish precedent nor be referred to by the Parties in the future.

After a thorough review of the record, the Board concludes that the Claimant was charged with leaving his train in the foul, on August 6, 2011. After an agreed-upon postponement, an investigation was held on August 22, 2011. The Claimant was assessed a 15 day actual suspension on September 6, 2011, for violation of Operating Rule 103-C.

The evidence is unrefuted that the Claimant parked his train in such a way as to leave 4 cars foul of an adjacent track. The Claimant tries to say that it was the fault of the Yardmaster. They merely pulled into the track that the Yardmaster told them to. The Organization says that the Yardmaster should have been called as a witness to the Investigation. This Board does not agree with either contention. The Rule is clear – it is the responsibility of the crew to ensure they are not foul of a connecting track. They were foul of the connecting track. The Claimant violated the Rule.

**AWARD**

The Claim is denied.

  
**Roger K. MacDougall**  
**Chair and Neutral Member**

Dated: 6/19/2012

At: Chicago, IL