

**BEFORE
PUBLIC LAW BOARD NO. 7362
CASE NO.106**

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

STATEMENT OF CLAIM:

“Claim on behalf of Engineer M.D. Hicks (376012) 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, and that all mention of this matter shall be expunged from the Claimant’s record.”

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, on April 5, 2011, with failing apply and test handbrakes on equipment, relying on the airbrakes to hold the equipment, on March 30, 2011. After a series of agreed-upon postponements, the investigation was held on April 27, 2011. The Claimant was assessed a 15 day actual suspension on June 9, 2011, for violation of Operating Rules 103-D and 103-I.

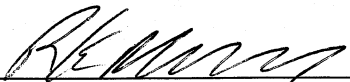
The Organization says that there is a procedural defect since no Rule was quoted in the charge letter. This Board, and many other Boards, have long held that absent a requirement in the CBA, a specific Rule need not be quoted in a charge letter. Instead, there must be sufficient information to know the case to be met. In this case, there was.

The Claimant says that whenever he was asked to do a brake test, he did one. He maintains that the hand brakes were properly applied. Yet, the evidence on the whole shows that no hand brakes were applied to the cars in question. Therefore, considering all of the evidence presented in this case, this Board holds that the Claimant failed to comply with Operating Rule 103-I.

Given all of the circumstances, this Board sees no reason to interfere with the discipline as assessed.

AWARD

The Claim is denied.


Roger K. MacDougall
Chair and Neutral Member

Dated: 6/19/2012

At: Chicago, IL