

**BEFORE
PUBLIC LAW BOARD NO. 7362
CASE NO.95**

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

Claim on behalf of Engineer J. M. Bryan (201629) requesting compensation for all time lost during the fifteen (15) day actual suspension, compensation for time lost attending the investigation, with the Claimant to be made whole for all benefits and contractual entitlements such as vacation, performance awards and bonuses. This claim also seeks that Engineer Bryan'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 Engineer Bryan was charged with failing to properly secure his locomotive at the end of his work day on March 3, 2011. Specifically he was charged with leaving the fuel switch on and leaving the isolation switch in the Start position. After a series of agreed-upon postponements, an investigation was held on May 4, 2011. Engineer Bryan was assessed a 15 day suspension on May 4, 2011.

The record reveals that as the Claimant was leaving his locomotive, he had a conversation with Road Foreman of Engines Graham. The Road Foreman then entered the locomotive and found the fuel switch still on and the isolation switch in the Start position. These facts are uncontested.

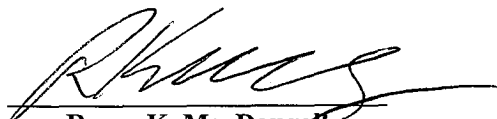
The Organization says that since the Conductor was still on the locomotive, he must have changed these settings. The Claimant says that he had properly tied down the locomotive including turning off the fuel switch and leaving the isolation switch in the proper position.

The Carrier says that their witness climbed on the locomotive very shortly after the Claimant left. The record proves this. They say that it was the Claimant's responsibility to ensure all steps of the locomotive shutdown procedure were followed. They say that these two were not.

This Board sees no reason that the Conductor would tamper with the locomotive engineers settings. As a result, this Board finds that the Claimant is guilty of the charges.

AWARD

The Claim is denied.


Roger K. MacDougall
Chair and Neutral Member

Dated: 6/19/2012

At: Chicago, IL