

**BEFORE
PUBLIC LAW BOARD NO. 7362
CASE NO.97**

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 S.H. Fox (503342) requesting removal of the Formal Reprimand, 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.

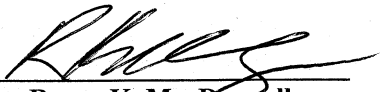
After a thorough review of the record, the Board concludes that the Claimant was charged with failing to safely handle his train, on January 31, 2011, which resulted in a “hard coupling” and an injury to another employee. After a series of agreed-upon postponements, an investigation was held on April 13, 2011. The Claimant was assessed a letter of reprimand on May 10, 2011, for violation of Safe Way Rule GS-3 and SOFA 2.

The Claimant was the Locomotive Engineer on a train that made a shove move into another standing train. This was done without a radio or other signal to the Engineer of the standing train. As a result, said Engineer was injured.

The Claimant was charged with failing to handle his train safely. The Claimant had slowed his train to approximately 2 mph prior to impact. During the investigation, the Carrier witness, upon reviewing the downloads, took no exception to the handling by the Claimant. Thus, the Carrier has failed to prove the charge. It may be that a lack of communication was involved in this incident, but that is not the charge that was levied against this Claimant.

AWARD

The Claim is sustained.



Roger K. MacDougall
Chair and Neutral Member

Dated: 6/19/2012

At: Chicago, IL