

The First Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood of Locomotive Engineers
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

"Claim of Engineer R. R. Givens for the removal of a thirty (30) days deferred suspension assessed against him and that his record be cleared of any notation of said discipline."

FINDINGS:

The First Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant was assessed a thirty day deferred suspension for failing to have his train properly inspected following an emergency brake application. Testimony in the transcript of the Investigation establishes that Claimant moved his train when he knew that it had not been thoroughly inspected. A thirty day deferred suspension does not seem inappropriate in the circumstances of this case. The claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 3rd day of October 1991.