

PUBLIC LAW BOARD NO. 2287

AWARD NO. 6

CASE NO. 6

PARTIES TO THE DISPUTE:

Railroad Yardmasters of America

and

Consolidated Rail Corporation

STATEMENT OF CLAIM:

System Docket No. CR-6
Northern Region

Appeal from discipline of a reprimand assessed E. E. Pegg on the following charge:

"Your violation of Rule 400N-7, Rules for Conducting Transportation, whereas you failed to protect offtrack crane set up on tracks No. 1 and 2, Departure Yard, rarrailing car in track No. 32, WBC, which resulted in damage to crane during your tour of duty as Yardmaster, Train Yard, between 11:35 AM and 4:00 PM on December 12, 1978."

OPINION OF BOARD:

Claimant entered service of the former Penn Central Transportation Company on November 9, 1964. At the time of the incident in question, he was working as a Yardmaster in Carrier's Train Yard, Detroit, Michigan, on the second track. On December 12, 1978, Claimant relieved Yardmaster E. F. Carr at or about 2:15 PM. At or about 4:00 PM that same day, a yard crew under his jurisdiction moved cars onto Track No. 2 resulting in damage to an offtrack crane stationed between Tracks No. 1 and 2.

As a consequence of this event, Carrier notified Claimant to attend a hearing in connection with:

Your violation of Rule 400N-7, Rules for Conducting Transportation whereas you failed to protect offtrack crane set up on tracks No. 1 and 2, Departure Yard, rerailling car in track No. 32, WBC, which resulted in damage to crane during your tour of duty as Yardmaster, Train Yard, between 11:55 AM and 4:00 PM on December 12, 1978.

In our recent Award No. 5 (Case No. 5) we sustained the claim of Mr. Carr and reversed the discipline because he was not afforded a fair and impartial investigation as required by Rule 6-A-1. Claimant Pegg was found guilty by Carrier in the same tainted proceeding. Accordingly, and for the same reasons, the present claim also is sustained.

AWARD

Claim sustained.

J. C. Thomson
Employee Member

G. W. Welch - Dissenting - See
Carrier Member
Award No. 5

Dana E. Eischen, Chairman

Date: 9-25-81