

PUBLIC LAW BOARD NO. 6468

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS))	
AND TRAINMEN)	
)	NMB CASE NO. 188
VS)	AWARD NO. 188
)	
CSX TRANSPORTATION, INC.)	

STATEMENT OF CLAIM:

Claim of Engineer W. S. Matthews for pay for all time lost, including pay for attending Investigation, Restoration of all rights and benefits and all references to the alleged charge of "you entered a Form W without permission from the employee in charge, and all circumstances relating thereto" be expunged from his personal work record.

FINDINGS AND OPINION

The Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as amended. This Board has jurisdiction of the dispute here involved

Claimant was summoned to a formal investigation on a charge as set forth in the above Statement of Claim. Following the investigation Carrier found claimant guilty of the charge and assessed a suspension from service to "time served" or a 50 day actual suspension from service as discipline.

This Board has had the opportunity to review the transcript of investigation, together with all other documents submitted by the parties, and it is our finding that Carrier was correct in its finding that claimant was guilty of the charge of entering the Form W territory without proper permission; however, we likewise believe that the suspension from service for more than thirty (30) days was excessive. Under the circumstances, the Board finds that the suspension should be reduced to a thirty (30) day suspension and claimant is entitled to be compensated for the additional time he was withheld from service.

Award No. 188

-2-

AWARD

Claim disposed of as set forth in the above findings. Carrier is instructed to comply with this Award within thirty days of the date hereof.

F. T. Lynch
F. T. Lynch, Neutral Chairman

H. J. Garcia
H. J. Garcia, Carrier Member

Paul T. Sorrow
Paul T. Sorrow, Employee Member

Award date 06/29/07