

PUBLIC LAW BOARD NO. 6468

PARTIES TO DISPUTE:

| | | |
|--------------------------------------|---|------------------|
| BROTHERHOOD OF LOCOMOTIVE ENGINEERS) |) | |
| AND TRAINMEN |) | |
| |) | NMB CASE NO. 190 |
| VS |) | AWARD NO. 190 |
| |) | |
| CSX TRANSPORTATION, INC. |) | |

STATEMENT OF CLAIM:

Please remove the discipline issued in this case from the Employees personal file.

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 that he did not meet the requirements for Weekend Availability Policy for the time period of October 3, 2005, through November 13, 2005. Following the investigation Carrier found claimant guilty of the charge against him and assessed a 2 day overhead suspension for a period of six months 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 must be noted that this is another dispute involving alleged violation of Carrier's "Minimum Availability Requirements."

Based on the record in its entirety, it is the finding of this Board that Carrier has failed in its burden to produce sufficient evidence to justify its decision that claimant was guilty of the charge against him. Accordingly, this claim must be sustained.

Award No. 190

-2-

AWARD

Claim sustained. Carrier is instructed to comply with this Award within thirty (30) 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