

Award 18803

Docket 31475

NATIONAL RAILROAD ADJUSTMENT BOARD

FIRST DIVISION

39 South La Salle Street, Chicago 3, Illinois

With Referee Mortimer Stone

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

WICHITA FALLS AND SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: "Claim of Engineer G. B. Taack that fifteen (15) days suspension, commencing Monday, March 2, 1953, be removed from his personal record and that he be paid for all time lost."

FINDINGS: The First Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended, and that this Division has jurisdiction.

Hearing was waived.

Clearing of record and pay for time lost is sought here on grounds; 1. that claimant was not properly charged in notice of investigation and 2. that the evidence did not justify the discipline rendered.

He was given notice for investigation "as to your responsibility for dragging derailed car from about 7 poles south of mile post 92 into Breckenridge this morning, the distance of approximately 11 miles."

The charge was broad enough to include the cause and specific enough to put claimant on notice as to the matters to be inquired into at the investigation. It was sufficient.

The undisputed fact appears that claimant engineer dragged a derailed hay car, located only three cars back from his engine, for eleven miles, damaging rail spikes almost the entire distance, going through six turn-outs, tearing up several cattle guards, and making much noise.

It was the duty of claimant to keep proper lookout and we think the accident speaks for itself that proper lookout was not maintained. The discipline assessed was not excessive.

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AWARD: Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **FIRST DIVISION**

ATTEST: J. M. MacLeod
Executive Secretary

Dated at Chicago, Illinois, this 26th day of June, 1958.