

PUBLIC LAW BOARD NO. 2143

AWARD NO. 330

SEABOARD COAST LINE RAILROAD CO.

VS.


UNITED TRANSPORTATION UNION

STATEMENT OF CLAIM: Removal of 20 demerits from personal record of Trainman S. D. Reynolds.


FINDINGS: Claimant received the indicated discipline after a formal investigation on October 16, 1979, for the stated purpose: "to determine the facts and place (claimant's) responsibility, if any, in connection with (his) not properly placing (himself) after being notified that (he) had been rolled on October 6, 1979."

We set aside the discipline assessed because the record does not establish by clear and convincing proof either the approximate time at which Mr. Reynolds was notified that he had been displaced nor the time that he attempted to place himself. Carrier did not meet its burden of proof in the investigation.

AWARD: Claim sustained. Carrier shall make this award effective within 30 days from date hereof.


DAVID H. BROWN, Neutral Member


R. O. KEY, Carrier Member


J. M. HICKS, Organization Member

September 4, 1984