

Claimant Hostler was found responsible for a safety rule violation when he did not separate locomotives by not less than twenty (20) feet before making a coupler adjustment. He was disciplined with twenty (20) days actual suspension.

It is established in the record that Claimant did violate the safety rule as the separation was less than required by the rules. The difficulty with assessing discipline in this case, however, is that a supervisory employee was at the location at the time the coupler was adjusted. He had the opportunity to intervene but did not do so. In this circumstance the claim has merit.

AWARD

Claim is sustained.

ORDER

The Carrier is ordered to make this Award effective within thirty (30) days from the date shown below.

R. W. Luan Arthur
Employee Member

W. G. Bingham
Carrier Member

A. Keely
Chairman and Neutral Member

Dated: 5-22-58