Award No. 532
Case No. 532

PUBLIC LAW BOARD NO. 5383

BROTHERHOOD OF LOCOMOTIVE ENGINEERS)
)
vs.) Parties to Dispute
)
UNION PACIFIC RAILROAD COMPANY)

STATEMENT OF CLAIM:

Claim in behalf of Conductor T. A. Keller, Union Pacific Railroad former Chicago and North Western Transportation Company, for compensation for all lost time including time spent at the investigation and that this incident be removed from Claimant's personal file when he was investigated on the following charge:

"Your responsibility for your failure to properly perform your duties when you filed to take your meal period using the bracket on November 28, 1994 while employed as Conductor of YPR88 on duty 8:00 a.m. November 28, 1994 at Irondale."

FINDINGS

Upon the whole record and all the evidence, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that the Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

Claimant Conductor was found responsible for not taking meal period within the bracket while operating a yard assignment. He was disciplined with five (5) days suspension.

The Employees contend the claim should be allowed under an application of a time limits provision reading in part as follows:

> "Within five days thereafter an investigation shall be held and a decision shall be rendered and made effective within three days after the investigation."

The record here shows that the investigation was held on November 30, 1994, and the decision was rendered on December 7, 1994. There is no showing that an extension of time was agreed to by the parties. Accordingly the claim must be allowed regardless of merit. Numerous awards hold similarly.

AWARD

Claim is sustained.

ORDER

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

B. L. Van Gilder
Employee Member

Carrier Member

Chairman and Neutral Member

Dated: Feb 20, 1998