



of six car lengths and at four cars. The next radio transmission was to stop after the derailment occurred. The locomotive tape shows no reduction in speed until the collision. A test of the radio found no malfunction. Claimant was found to have violated 103A which reads:

2. Make couplings at a speed of not more than 4 miles per hour.

and Rule 414 which reads:

When radios are used in connection with switching, backing or pushing a train or cars:

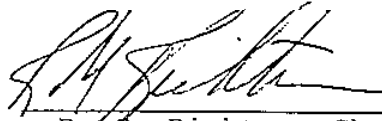
1. The employee directing the movement must:
  - (a) Keep in constant radio contact with; and
  - (b) Give clear and complete instructions to the employee receiving the instructions.
2. These instructions must specify:
  - (a) The distance of the movement to be made in car lengths, 50 foot lengths;
  - (b) The position of any switches involved with the move; and
  - (c) That the employee directing the movement is in the clear.
3. Unless additional instructions are received, the movement must be stopped in one-half the specified distance.
4. The movement must be stopped if there is any doubt;
  - (a) The meaning of the instructions, or
  - (b) For whom such instructions are intended.
5. The movement will not resume until:
  - (a) An additional job briefing is conducted, and
  - (b) All concerned understand the move to be made.

The Carrier has shown that the Claimant violated its rules. The hearing was fair and impartial. However, the Carrier improperly withheld the Claimant from service pending the investigation.

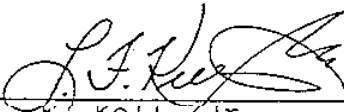
The discipline assessed will remain on the Claimant's record, but the Carrier must reimburse the Claimant for all time lost from May 2, 1997 until the date of the letter of discipline, which was not made a part of the record before this Board.

AWARD

Claim sustained in accordance with the findings. Carrier is ordered to comply with this Award within 30 days of its date.

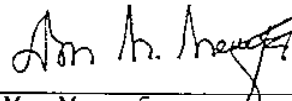


R. G. Richter, Chairman  
Neutral Member



L. F. Kell, Jr.  
Carrier Member

*Dissenting*



D. M. Menefee  
Employee Member

Dated

7/8/98