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Award No. 7
Co. File 1230034
Org. File 28148

PUBLIC LAW BOARD NO. 6567

Parties:

Brotherhood of Locomotive Engineers
And
Union Pacific Railroad Co.

Statement of claim:

Claim of Los Angeles District Engineer R.D. Dodson (hereinafter claimant) for compensation for all time lost, including time lost attending investigation, in connection with assessment of Level 2 Upgrade on May 18, 2000. Further, claimants annual vacation rights should be reinstated. Claimants personal record to be expunged of any notation pertaining to this case.

Background:

Claimant entered carrier service on March 27, 1995 and was promoted to engineer on May 22, 1998. On the dates under question claimant was operating off the engineers extra list. Carrier charged claimant failed to protect his employment from December 23, 1999 to March 22, 2000.

Carriers Position

Carrier asserts that claimant cannot be counted on to work on a regular basis as evidenced by exhibits contained in work record.

Organizations Position

Claimant contends he was a good employee for a number of years. However, due to personal problems he was unable to work enough to satisfy the carrier.


Findings:

It is unfortunate that claimant and his family suffered the so-called flu bug, however, that would only entail several days. Simply put, claimant appears to be only a part time employee.

The calendar, which the organization objects to, is nevertheless a clear indication that claimant considers his employment as secondary.

Award:

Claim denied



Leonard Foster, Neutral Member of the Board

1-27-03

Date