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Award No. 9
Co. File 1243228
Org. File 28355

PUBLIC LAW BOARD NO. 6567

Parties:

**Brotherhood of Locomotive Engineers
And
Union Pacific Railroad Co.**

Statement of claim:

Claim of Engineer R.D. Dodson (hereinafter claimant) for compensation for time lost, including time lost attending investigation in connection with claimants assessment of Level 3 Upgrade and attendant 5 day suspension. Further, claimants annual vacation rights to be restored. Claimants personal record to be expunged of all notations relative 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 (April 10, 2000 to July 22, 2000) claimant was assigned to the engineers extra list at Colton, CA.

Claimant was cited to appear at an investigation due to his alleged failure to protect his assignment from April 10, 2000 and July 22, 2000. The investigation was held at Bloomington, CA on September 1, 2000

Carriers Position:

Between April 10, 2000 and July 22, 2000, claimant worked sporadically. From April 10th thru the 30th, claimant was off for 13 days. From May 1, 2000 thru the 31st, claimant was off 18 days. From June 1, 2000 thru the 31st, claimant was off 14 days.

Carrier avers this type of work record constitutes excessive absence. Carrier states claimant has a history of failing to protect his employment.

Organizations Position:

The organization considers claimant is governed by mileage provisions of the current collective bargaining agreement. That claimant is not required to protect any assignment as long as he works over 3,000 miles in a month. Claimant also states he was placed in double jeopardy by the instant charge.

Findings:

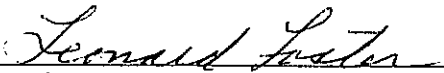
This case is essentially the same as Award No. 7 of the Board. It is most unfortunate that claimants spouse was having difficulty of a medical nature, however, it appears that claimant only works when he wanted.

Again, the calendar formulated by the carrier comes into the instant case, much the same as in Award No. 7. However, disagreeable to the organization said calendar demonstrates a spotty work habit.

The Board finds no merit to the organizations contention of double jeopardy. We find no substantive reason to modify the carrier's sanction.

Award:

Claim denied



Leonard Foster, Neutral Member of the Board

2-21-03

Date