



GENERAL COMMITTEE OF ADJUSTMENT

Brotherhood of Locomotive Engineers and Trainmen

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Canadian National / Illinois Central Railroad
Chicago, Central & Pacific Railroad (CN / IC)
Metra - IC Electric
SouthRail Corporation (KCS)
MidSouth Rail Corporation (KCS)
Gateway Western Railway (KCS)

June 26, 2007

CIRCULAR LETTER 02-2007

J.R. Koonce
General Chairman

LOCAL CHAIRMEN
ALL DIVISIONS

RE: NRAB First Division Award No. 26507

Dear Sirs and Brothers:

Enclosed for your perusal is a copy of the above captioned award. Award 26507 deals with an on duty injury where the Engineer was assessed a 10-day deferred suspension due to being injured when a handrail gave way because of a defective or missing bolt.

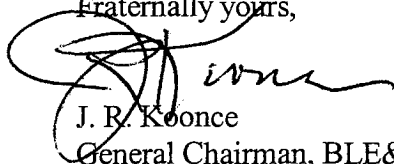
The Referee dismissed the case and the record will stand because the injured Engineer settled with the Carrier signing a Final Settlement and Release, agreeing to release the Carrier from all claims and damages in connection with the incident in exchange for a monetary settlement.

What our Membership needs to learn from this Award is that **it is very important that if there is discipline involved with the injury investigation – THE FINAL SETTLEMENT AND RELEASE MUST NOT RELEASE THE CARRIER FROM AN OUTCOME OF AN AWARD TO REDUCE OR EXPUNGE THE DISCIPLINE ASSESSED!**

Please provide this information to the Members of your Division as soon as possible so they will understand what they need to do to protect themselves.

This Award should be retained as a part of your files.

Fraternally yours,



J. R. Koonce
General Chairman, BLE&T

JRK:kb

Enclosure

**NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION**

Award No. 26507
Docket No. 46119
07-1-04-1-C-4829

The First Division consisted of the regular members and in addition Referee Margo R. Newman when award was rendered.

PARTIES TO DISPUTE: (**Brotherhood of Locomotive Engineers and Trainmen**
(Canadian National/Illinois Central Railroad

STATEMENT OF CLAIM:

"Claim of CN/IC Engineer W. D. Evans for removal of the ten (10) day suspension (deferred) and all notations of discipline assessed on February 18, 2004 expunged from his personal work record and compensation for all time lost as a result of same, including the loss of earnings due to attending the investigation for alleged violation of CN/IC Operating rule(s) A, C and Core LIFE U. S. Safety Rule Book - Section 2, No. 14 in connection with his alleged personal injury at 1:10 a.m. on January 28, 2004 while working as Engineer on M-32771-27."

FINDINGS:

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant lost his balance and fell to the ground while mounting his locomotive on January 28, 2004, sustaining an injury to his back. As a result of an