

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

ERIC ARROYO,

Plaintiff,

v.

CSX Transportation,

Defendant.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

NOW COMES Plaintiff, Eric Arroyo, by and through his attorney, Christi Wallace, Esquire of Kraemer, Manes & Associates LLC, and files this Complaint alleging as follows:

I. Nature of the Action

1. Plaintiff brings this Complaint to recover damages under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §2000e, and the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §§951-963. Plaintiff alleges Defendant treated him differently and was ultimately terminated because he is a minority.

II. Jurisdiction and Venue

2. This action arises under Title VII, 42 U.S.C. §2000e. This Court has jurisdiction over Plaintiff’s discrimination claims pursuant to 28 U.S.C. § 1331.

3. This Court has supplemental jurisdiction over Plaintiff’s discrimination claims pursuant to 28 U.S.C. § 1367(a).

4. A substantial part of the events or omissions giving rise to the claims occurred in Western Pennsylvania, and, therefore, this action is within the jurisdiction of the United States District Court for the Western District of Pennsylvania and the venue is proper pursuant to 28 U.S.C. § 1391(b).

III. Parties

5. Plaintiff, Eric Arroyo (“Plaintiff”), is an adult individual residing at 70 Prestwick Drive, Youngstown, OH 44512.

6. Defendant, CSX Transportation (“Defendant”), is a business located at 2973 W. Pittsburg Rd, New Castle, PA 16101 of Lawrence County, Commonwealth of Pennsylvania.

IV. Facts

7. Plaintiff became employed with the Defendant as an Engineer in 1999.

8. Plaintiff is a seventeen-year veteran of Defendant with a stellar work record.

9. Plaintiff is qualified on thousands of miles for Defendant and foreign line trackage.

10. Plaintiff’s work history and compliance with the Individual Development and Personal Accountability Policy (“IDPAP”) further illustrates his exemplary work performance.

11. On February 1, 2014, Plaintiff was the assigned Engineer aboard Defendant’s train Q13531.

a. Plaintiff completed the 211-mile route and returned from his assignment with no incidents to his knowledge.

12. On February 4, 2014, Defendant informed Plaintiff that he was being removed from service and summoned to a formal investigation for an alleged violation of exceeding the maximum authorized speed of 25 mph on February 1, 2014.

- a. While operating the train Q13531 on February 1, 2014, Plaintiff was accused of allegedly exceeded the maximum authorized speed limit by 20 miles per hour (mph) while traveling from New Castle, PA to North Baltimore, Oh.
 - b. Plaintiff was accused of failing to comply with Defendant's Train Dispatcher's Bulletin No. 98772, Bulletin Item No. 7, Dispatcher's Message No. 15718 for train Q13531 not to exceed 25 mph on the main track between milepost BG 96.2 and milepost BG 96.3
13. On February 6, 2014, Plaintiff received a letter from Defendant informing him his certification was suspended.
14. On February 25, 2014, Defendant convened an investigation and a hearing into Plaintiff's alleged violation.
15. On March 25, 2014, Plaintiff was notified that he was terminated.

V. Allegations

Count I Violation of Title VII and PHRA

16. The preceding paragraphs are incorporated herein as if set forth at length.
17. The Plaintiff is a member of a protected class under Title VII and PHRA.
18. Plaintiff is a male of Puerto Rican descent.
19. Plaintiff was subjected to discriminatory treatment in violation of Title VII.
20. The Defendant discriminated against the Plaintiff in violation of Title VII in the following ways:
- a. Plaintiff was unjustly terminated for an alleged infraction that occurred on February 1, 2014.

- b. Plaintiff observed numerous other Caucasian Engineers (Phil Farley, Scott Royer, Mike Lichoff and Roger Schriener) receive suspensions and offered waiver opportunities for the same or more serious infractions as the Plaintiff.
 - i. Plaintiff is a seventeen-year veteran of Defendant with a stellar work record. The infraction that allegedly occurred on February 1, 2014 was Plaintiff's first discipline in seventeen years. Plaintiff should have received suspension in lieu of termination.
 - ii. Plaintiff was not offered the same disciplinary forgiveness as the other Caucasian employees because he is Puerto Rican.
- c. Defendant did not follow the Collective Bargaining Agreement entered into with United Transportation Union.
 - i. Defendant failed to provide Plaintiff with a fair and impartial hearing on February 25, 2014 to investigate the incident that occurred on February 1, 2014.
- d. Plaintiff has been denied seniority over other Caucasian employees.
 - i. Plaintiff has put in multiple requests for his "resting days" to be on the weekends but his requests have gone ignored.
 - ii. Other Caucasian employees with the same seniority as Plaintiff have been approved for weekend "rest days."
- e. When Plaintiff became an engineer in 1999, he was at the top of his class.
 - i. There are engraved plaques at the Defendant's Engineering School, which list the name of the student at the top of each year's class.
 - ii. Plaintiff's name was never placed on the plaque for the class of 1999.

- iii. In fact, someone else's name is listed in Plaintiff's place on the plaque for the class of 1999.

Request for Relief

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against the Defendant for the following:

- a. Loss of income of back wages in excess of \$100,000;
- b. Loss of wages for 3 years in excess of \$300,000;
- c. Plaintiff's emotional distress damages in excess of \$50,000;
- d. Plaintiff's legal fees in excess of \$25,000;
- e. Pre-judgment and continuing interest;
- f. Court costs; and
- g. Other such relief as the Court may deem just and proper.

Respectfully submitted,



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