

The Second Division consisted of the regular members and in addition Referee Leonard K. Hall when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada
Parties to Dispute: (
(Missouri Pacific Railroad Company

Dispute: Claim of Employes

1. That the Missouri Pacific Railroad Company violated Rule 31 of the controlling Agreement when train master L. E. Bradley issued a letter of reprimand to Carman S. Lopez and placed same in his personal record for future reference.

2. That accordingly, the Missouri Pacific Railroad Company be ordered to remove the September 20, 1983 letter of reprimand from Carman Lopez's personal record.

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

This dispute is based on a letter written to the Claimant by the Trainmaster following an informal discussion with him about neglecting specific duties and putting him on notice that any further failure to perform as instructed will be dealt with in a more firm manner. It was stated in the letter that it would be placed in the Claimant's personal file.

The Organization argues that the letter constitutes discipline as that word appears in Rule 31 of the Agreement. The Organization avows that the letter constitutes a reprimand.

As opposed, the Carrier's position is that the letter does not constitute discipline as that word appears in Rule 31. It argues that the letter is both a confirmation of a conversation between the Claimant and the Trainmaster and a warning that further failures to perform work as instructed will " . . . be dealt with in a firmer manner."

The parties cite Awards of the Board that fall on both sides of the issue. The Carrier cites Second Division Award 7485, among others, between the same parties here. Multiple issues were involved in the dispute decided by that Award and among them was the Organization's contention that conversation had between the Claimant Carman there and two Supervisors was an "investigation" and that the follow-up letter was a "reprimand."

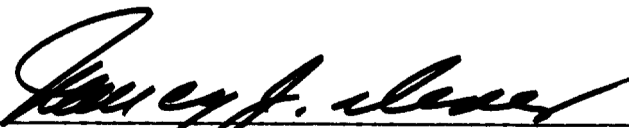
The letter in dispute in this proceeding makes no mention of the word "reprimand". The letter is not discipline; instead, it is a "warning." Also see Second Division Awards 8062 and 9522.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1986.