

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12755
Docket No. 12508
94-2-92-2-16

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (International Association of Machinists
(and Aerospace Workers, AFL-CIO
(The Union Pacific Railroad Company

STATEMENT OF CLAIM:

"The Union Pacific Railroad Company violated Rule 32 of the Agreement when it harshly and unjustly place a letter of discipline, dated March 14, 1991, on the personal record of Machinist J. J. Larsen, account his alleged failure to protect his job assignment."

FINDINGS:

The Second 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 waived right of appearance at hearing thereon.

Carrier placed a letter in Claimant's personal record. The Organization contends that this is discipline and that the procedures of the Agreement were not followed. Carrier argues that placing such letters in an employees' personal record are permissible without the need to hold a formal Investigation.

This Board has had cause to consider identical cases. In Second Division Awards 12513 and 12514 the issues involved were exhaustively reviewed. Without revisiting all that was said there, the Board does not find Awards 12513 and 12514 to be in palpable error. They will be followed here.

The claim has merit. It will be sustained.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 13th day of October 1994.