

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13366

Docket No. 13300

99-2-97-2-73

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

(Brotherhood Railway Carmen, Division of
(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

1. That the Springfield Terminal Railway Company violated the terms of our current agreement, in particular Rule 13.1 when they arbitrarily entered letters of discipline into the record and file of Carman Ernest E. Moulton without affording him a fair and impartial hearing as required by our collective agreement.
2. That, accordingly, the Springfield Terminal Railway Company be ordered to remove the letters of discipline from the personal file of Carman Ernest E. Moulton.”

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 were given due notice of hearing thereon.

Claimant contends that the reasons for the temporary emergency closing of the grit room as set forth in his Supervisor's letter of June 20, 1996, and as set forth in the claim handling process by the Carrier, that said letters are formal reprimands levied Claimant without his right to a fair and impartial Investigation.

The Carrier does not agree that the letters referred to by the Claimant as being formal reprimands are, in fact, formal reprimands levied without the right of an Investigation.

The Board agrees the Carrier's choice of words are harsh, but finds no indication that such letters were entered into his file and/or placed in his work record. True, these letters will, understandably, remain in a claim file, but they cannot be used in the discipline process. If the letters, either letter, is in Claimant's file, it is to be removed therefrom. Most assuredly, this Board does not condone the use thereof in any other disciplinary action that has occurred or may occur. They are beyond letters of caution.

AWARD

Claim sustained in accordance with the Findings.

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 23rd day of February 1999.