

The Second Division consisted of the regular members and in addition Referee Gilbert H. Vernon when award was rendered.

Parties to Dispute:

{ Brotherhood Railway Carmen of the United States  
and Canada  
{ Washington Terminal Company

Dispute: Claim of Employees:

1. That the Washington Terminal Company violated the controlling agreement when they unjustly assessed car cleaner D. A. Fischer a formal reprimand as a result of an investigation held on September 7, 1978.
2. That, accordingly the Washington Terminal Company be ordered to remove said reprimand from D. A. Fischer's 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 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.

Claimant is employed with the carrier as a car cleaner with a seniority date of August 28, 1977.

On August 30, 1978, the carrier charged the claimant with negligence in connection with three separate personal injuries. The hearing was held September 7, 1978, and claimant was, as a result, found guilty as charged. In this connection, the carrier issued a letter of reprimand to the claimant.

In reviewing the record, it is the Board's conclusion that in consideration of the degree to which the claimant was found to be negligent and careless it cannot be said that a formal reprimand is arbitrary or capricious.

A W A R D

Claim denied.

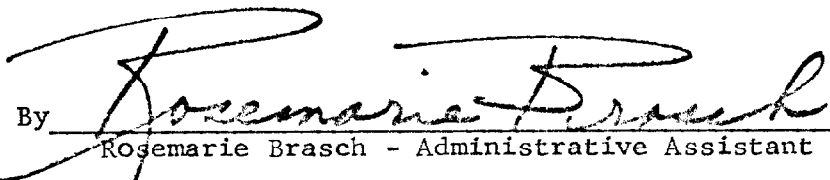
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Award No. 8560  
Docket No. 8447  
2-WT-CM-'81

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 7th day of January, 1981.