

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way **Employes**  
(Burlington Northern Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The discipline (censure) imposed upon Section Foreman J. A. **Lemaster** for alleged violation of Carrier's Rule 37 at about **11:50** A.M. on December 6, 1985 at Cheyenne, Wyoming was unjust, arbitrary and capricious (System File BN-06-86).

(2) The claimant shall be accorded the benefits prescribed in Agreement Rule 406."

FINDINGS:

The Third 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 employees 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.

At approximately **11:50** A.M. on December 6, 1985, Claimant, along with the operator and a signalman received and copied line-up No. 403 from the train dispatcher. The operator repeated the line-up and all parties confirmed that the line-up, as repeated, was correct.

It was subsequently determined that Claimant made an **error** in copying the line-up, and had failed to detect the error when it was repeated.

Rule 37 states:

"Line-up must be repeated by one or more of those copying it. Each person copying must observe whether line-up is repeated correctly and if not, will immediately call attention to any error. Positive identification of employees receiving line-ups must be established."


All of the parties involved were cited for investigation for non-compliance with the foregoing rule.

There is no need here to detail the evidence or the asserted culpability of others. On the record before us it is clear that Claimant was in violation of Rule 37 and we have no basis for disturbing the discipline of censure assessed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.