

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Arthur W. Devine, Referee**

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**PARTIES TO DISPUTE:**

**AMERICAN TRAIN DISPATCHERS ASSOCIATION**

**SEABOARD COAST LINE RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the American Train Dispatchers Association that:

(a) The Seaboard Coast Line Railroad Company (hereinafter referred to as the Carrier) violated the effective Agreement between the parties, Articles IX (a) and IX (b) thereof in particular, when on July 11, 1968, it without benefit of investigation, addressed to H. T. Storey (hereinafter referred to as the Claimant) a disciplinary letter, and placed a copy thereof on his personal record file to become a part thereof.

(b) Because of the said violation the Carrier shall now rescind said disciplinary letter and remove copy thereof from personal record file.

**OPINION OF BOARD:** The claim herein arose in connection with a letter written to the Claimant by the Carrier's Superintendent on July 11, 1968, concerning the prompt assembling of facts and the reporting of an accident that occurred on July 1, 1968.

The Petitioner contends that Claimant was disciplined without benefit of an investigation, in violation of Article IX (a) and IX (b) of the applicable Agreement.

The Carrier contends before the Board, as it did in the handling of the dispute on the property, that the letter involved was not a letter of discipline nor was the assessment of discipline implied by the letter and, therefore, there was no violation of the Agreement provisions pertaining to proper investigation prior to train dispatchers being demoted, disciplined or discharged.

Based upon the record, there is no basis for finding that the letter complained of was a letter of discipline or that disciplinary action was taken against the Claimant. The claim will, therefore, be denied.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of October 1970.