

Award No. 18289

Docket No. TD-18784

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Melvin L. Rosenbloom, Referee

**PARTIES TO DISPUTE:**

**AMERICAN TRAIN DISPATCHERS ASSOCIATION  
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY  
(Burlington Northern, Inc.)**

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

(a) The Chicago, Burlington & Quincy Railroad Company (hereinafter called "the Carrier"), violated the Agreement between the parties, Article 24 thereof in particular, by its action in entering entry of censure on the employment record of Train Dispatcher E. A. Miller, following hearing held at Cicero, Illinois, on July 29, 1969, the stated purpose of which was to develop the facts and determine the responsibility for derailment of engines of Train No. 595 at Mendota, Illinois, on July 9, 1969.

(b) Because of said violation of the Agreement the Carrier be required to clear the record of Claimant E. A. Miller of the entry of censure and compensate him for one day lost from his assignment in order to attend the hearing, all as provided by Article 24 of the Agreement.

**OPINION OF BOARD:** A review of the transcript of the formal investigation indicates that the Claimant was somewhat lax in carrying out his responsibilities under Rule 266 and since the discipline assessed was neither arbitrary, capricious or an abuse of Carrier's discretion the claim will 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 Employees involved in this dispute are respectively Carrier and Employees 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

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 20th day of November 1970.