

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20087  
Docket Number SG-19594

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Chicago and North Western Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Railway Company that:

(a) On or about September 30, 1970, the Carrier violated the current Signalmen's Agreement, particularly Rule 60 (as amended), when it placed on file with Mr. H. W. Radl's personnel record an official notification of a Rule Violation.

(b) The Carrier now remove this notification and no mention of it be placed in his personnel record, because of this alleged rule violation.  
/Carrier's File: 79-8-64/

OPINION OF BOARD: Under date of October 30, 1970 Carrier served upon Claimant a NOTIFICATION OF VIOLATION (Form No. 1111) which, insofar as here pertinent, reads:

"THIS IS AN OFFICIAL NOTIFICATION THAT YOU VIOLATED A RULE. THE SPECIFIC VIOLATION WAS:

Reg. or Rule No. 1071 Operating motor car without using rail sweeps.

THIS NOTICE WILL BE PLACED ON FILE WITH YOUR PERSONNEL RECORDS.  
COPIES ALSO WILL BE KEPT BY YOUR SUPERVISOR AND DIVISION SUPERINTENDENT."

On October 16, 1970, Organization filed claim that when Carrier placed a copy of the Notification of Violation in Claimant's personnel file without conducting an Investigation as prescribed in, Rule 60 - INVESTIGATION AND DISCIPLINE - of the Agreement, Carrier violated said Rule.

Our Award No. 19713 involved the same parties, Agreement, arguments, and pivotal issue as in the instant dispute. For reasons stated in Award No. 19713; and finding nothing to support a holding of reversible error, we will deny the instant Claim.

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, 1932;

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

That Carrier did not violate the Agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 11th day of January 1974.

Dissent to Award No. 20087, Docket No. SG-19594

See our Dissent to Award No. 19713. Our position has not changed.

  
W. W. Altus, Jr.  
Labor Member