

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10304) that:

1. Carrier violated the effective agreement when, following an investigation on October 1, 1987, it issued discipline in the form of a reprimand against the record of Mr. John Pufpaf;

2. Carrier shall now rescind the discipline assessed and shall clear Mr. Pufpaf's record of the charge placed against him."

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 were given due notice of hearing thereon.

Following an Investigation held on October 1, 1987, Claimant, a Relief Janitor, was issued a reprimand for failure to perform his duties on September 14, 1987, while working in the East Yard.

This Board has reviewed the entire record of the case, including the transcript of the Investigation, and we do not find sufficient proof to sustain the charge. While Claimant acknowledged telling a Carrier Official that the work was not completed, there is no evidence that he was derelict in his duties. As a consequence, the Claim must be sustained.

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Award No. 28083
Docket No. CL-28474
89-3-88-3-370

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of September 1989.