

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31376
Docket No. MW-32046
96-3-94-3-421

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Consolidated Rail Corporation

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

- (1) The Carrier's decision to issue a letter of caution dated April 6, 1993, to Mr. J. K. O'Hara for his alleged failure to wear a safety helmet on March 31, 1993 was in violation of the Agreement (System Docket MW-3014).
- (2) As a consequence of the violation referred to in Part (1) above, the letter of caution and all references to this matter shall be removed from Mr. J. K. O'Hara's record."

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 employee 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.

On review of the entire record the Board finds that the claim of the Organization lacks merit.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 29th day of February 1996.