

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34205
Docket No. CL-35216
00-3-99-3-56**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(Springfield Terminal Railway Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the TCU (ST-98-43) that:

- (a) Please find enclosed file information on Ms. Beverly Myers, Clerk, North Billerica, MA. The information that is contained in this file is over one year old. This Organization (TCU) requests this information be removed from Ms. Myers' file. The request is being made under Rule 36.4 of the Agreement.
- (b) Your consideration in this matter is most appreciated.”

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 were given due notice of hearing thereon.

The Claimant is a Clerk at North Billerica, Massachusetts. Rule 39.4 provides that “[r]eprimands will be removed from Employees' record after twelve (12) months

of a clear record.” The Claimant’s file contains three letters dated October 15, 1993, September 2, 1994 and May 10, 1995 which the Organization by letter dated April 1, 1998 sought to have removed from Claimant’s file. Respectively, those letters are entitled. “Recap of the meeting between Beverly Myers and Marie DiCiaccio, Supervisor,” “Job Performance” and “Documentation of meeting on May 10, 1995.” The Carrier declined to remove the letters. This claim followed.

Rule 39.4 also states that “[t]he types of discipline which may be assessed are reprimand, disqualification, deferred suspension, relevant training, actual suspension, and dismissal.” In its Submission to the Board, the Organization concedes what is apparent from our reading the letters - “Claimant wasn’t disciplined. We concede that.” The letters are not “reprimands.” There is therefore no Rule support for removing the letters from the Claimant’s file. The claim must be denied.

AWARD

Claim denied.

ORDER

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

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 23rd day of August, 2000.