

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45445
Docket No. SG-47987
25-3-NRAB-00003-230473**

The Third Division consisted of the regular members and in addition Referee Bill Bohne Jr. when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Northeast Illinois Regional Commuter Railroad
(Corporation (NIRCRC) d/b/a METRA**

STATEMENT OF CLAIM:

“Claim on behalf of J.J. Schury, for any mention of this matter removed from his personal record; account Carrier violated the current Signalmen’s Agreement, particularly Rule 53, when it issued the harsh and excessive discipline of a Letter of Reprimand against the Claimant, without providing a fair and impartial investigation and without meeting its burden of proving the charges in connection with an Investigation held on January 14, 2021. Carrier’s File No. 11-2022-4, General Chairman’s File No. 04-D-22, BRS File Case No. 6196, NMB Code No. 200 - Minor Discipline: Attendance.”

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.

On September 27, 2021, the Claimant was issued a Notice of Investigation, informing him to attend a formal Investigation on October 1, 2021, concerning an

alleged violation of Metra's Code of Conduct, on September 23, 2021 (See Carrier's Exhibit No. 1). Through mutual agreement the Investigation was postponed multiple times and took place on January 14, 2022. On January 21, 2022, the Claimant was issued a Notice of Discipline, wherein Carrier charged the Claimant with a Step #1 Standard Violation – Letter of Reprimand with a review period of 24 months. (See Organization's Exhibit No. 1, Pg. Nos. 1–2). The Organization was granted an extension to appeal Carrier's decision, and on June 18, 2022, the Organization filed an appeal on behalf of the Claimant.

The Organization contends the Carrier violated Rule 53 of the Agreement when it issued *harsh* and *excessive discipline* (emphasis ours) to the Claimant in connection with the Investigation held on January 14, 2022. The Organization further contends that the Claimant was subject to being disciplined twice, once under the Code of Conduct Rule Q and again under the Carrier's "Blue Card" policy.

The Carrier, on the other hand, claims that the discipline was fair and in line with discipline assessed for similar violations. They also contend that it is acceptable to charge the Claimant with a "Rule Q" violation and also charge him with a "Blue Card" violation at the same time. While a review of the evidence does not explicitly permit this, we also cannot find evidence that would forbid this from happening. We are well aware of the Organization's zealous arguments about the use of the word "or" when discussing the "Blue Card" policy, however in light of the totality of the of the evidence adduced at the investigation we find no evidence to indicate that the investigation was unfair or impartial. In fact, the Claimant was only found guilty of violating Metra Code of Conduct Rule Q on September 23, 2021, the rule he was charged with violating, and of no other violations.

There is no dispute that the Claimant's guilt has been established as he admitted that his car sustained a flat tire, that he did call in prior to the beginning of his shift and reported this fact and stating that he would be late, and that he did in fact arrive at work a bit over an hour late. As such, his violation of the rule cannot be argued. The only issues remaining are whether the investigation was fair and impartial, and that discipline assessed was proper. After a thorough review of the investigation transcript, this Board finds that the investigation was held in a fair and impartial manner. We further find that the discipline assessed, especially in light of the Claimant's prior record, was not harsh and excessive and reveals that it was in accordance with the Carrier's Discipline Policy. Therefore, the Board finds and holds the discipline assessed was appropriate and was not arbitrary, capricious, or excessive.

We would be remiss if we didn't address the additional remedies sought by the Organization. During the progression of this case the Organization requested additional remedies to this dispute, those being that a personal apology from the Chief Engineering Officer be given to the Claimant, and that the Organization be reimbursed for all expenses incurred by it in preparing and progressing this case on behalf of the Claimant. After careful review of the record and the collective bargaining agreement, we find that nothing in the agreement provides for such remedies. If not contractually provided for, there is no way that such remedies may be entertained by this Board. Accordingly, all such claims for an apology to the Claimant and for reimbursement to the Organization shall be dismissed.

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 3rd day of April 2025.