

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2837

Heard in Montreal, Thursday, 13 March 1997

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

EX PARTE

DISPUTE:

Appeal of discipline on behalf of Mr. Larry Brooks, PIN 168592.

EX PARTE STATEMENT OF ISSUE:

On September 23, 1996, Mr. Brooks was assessed 30 demerits for the alleged unauthorized use of a Company vehicle on July 19, 1996.

The Union contends that: 1.) The grievor has been unjustly and unfairly dealt with by the Company. 2.) The discipline assessed was excessive and unwarranted in the circumstances. The Union requests that the discipline assessed be rescinded.

The Company denies the Union's contentions and declines the Union's request.

FOR THE BROTHERHOOD:

(SGD.) R. F. LIBERTY

SYSTEM FEDERATION GENERAL CHAIRMAN

There appeared on behalf of the Company:

S. Blackmore	– Labour Relations Officer, Edmonton
J. Dixon	– Manager, Labour Relations, Edmonton
S. Michaud	– Assistant Manager, Labour Relations, Edmonton

And on behalf of the Brotherhood:

D. Brown	– Sr. Counsel, Ottawa
R. F. Liberty	– System Federation General Chairman, Winnipeg
K. M. Deptuck	– Vice-President, Ottawa
L. P. Gladish	– General Chairman & Secretary/Treasurer, Winnipeg
P. Davidson	– Counsel, Ottawa
L. Brooks	– Grievor

AWARD OF THE ARBITRATOR

For the reasons expressed in **CROA 2838**, the grievance is allowed, in part.

March 14, 1997

(signed) MICHEL G. PICHER
ARBITRATOR