

CARRIER FILE NO. 9203978
ORGANIZATION FILE NO. PR-KP Taylor

PUBLIC LAW BOARD NO. 5719

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS)	
VS)	NMB CASE NO. 45
UNION PACIFIC RAILROAD COMPANY)	AWARD NO. 45

STATEMENT OF CLAIM:

Request the letter of reprimand of Engineer K. P. Taylor be expunged from his personal record.

FINDINGS AND OPINION

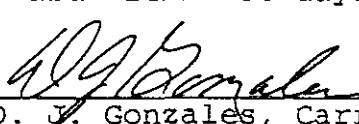

The Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as amended. This Board has jurisdiction of the dispute here involved.

This dispute involves a question of whether or not claimant voluntarily accepted a Letter of Reprimand when he failed to promptly report an injury. The record before us indicates there is a dispute between claimant and his supervisor, with claimant stating he never accepted the discipline and the supervisor stating it was hand delivered to claimant and he verbally accepted.

Rule 136(b) provides that when a hearing is waived "the employee will sign a waiver to that effect and acknowledge receipt of the written notification." There is nothing in the record to show that the rule was followed in that claimant did not sign a waiver. Accordingly it must be our decision that assessment of the Letter of Reprimand was not in compliance with the rule and must be removed from claimant's record.

AWARD

Claim sustained. Carrier is instructed to comply with this award within 30 days of the date hereof.

 D. J. Gonzales, Carrier Member	 D. L. McCoy Organization Member
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F. T. Lynch, Neutral Chairman

Award date March 26, 1998