

**BEFORE PUBLIC LAW BOARD NO. 6043**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
and  
ILLINOIS CENTRAL RAILROAD**

**Case No. 18**

**STATEMENT OF CLAIM:**

The Letter of Reprimand issued to Mr. S. Taylor for alleged violation of Carrier General Rule C, Rule F, and Rule G-370 was arbitrary, unwarranted, unreasonable, and in violation of the current working agreement. Accordingly, the discipline should be rescinded, and the Claimant should be made whole.

**FINDINGS:**

At the time of the events leading to this claim, the Claimant was employed by the Carrier as a trackman.

By letter dated March 23, 2001, the Claimant was notified to attend a formal investigation and hearing to determine his "responsibility, if any, concerning the incident at Delavan, IL on Monday, March 19, 2001, at approximately 08:30 AM in which you sustained a personal injury." As a result of the investigation, the Claimant was found to have violated General Rule C, Rule F, and Rule G-370, and a Letter of Reprimand was placed in the Claimant's file. The Organization thereafter filed a claim on the Claimant's behalf, challenging the Carrier's issuance of the Letter of Reprimand. The Carrier denied the claim. The parties agreed to submit to this Board that portion of the claim that deals with the Carrier's assessment of discipline.

The Carrier contends that it was determined in the investigation that the Claimant was in violation of Carrier rules and that the Claimant admitted that he was not in

compliance with the rules on the date in question. The Carrier points out that in response to these violations, the Claimant received only a Letter of Reprimand. The Carrier maintains that this discipline was neither harsh nor excessive. The Carrier ultimately asserts that the instant claim is without merit and should be denied in its entirety.

The Organization contends that the discipline issued to the Claimant in this case was arbitrary, unwarranted, unreasonable, and in violation of the current Agreement. The Organization asserts that the Carrier failed to apply and enforce its rules with reasonable uniformity. The Organization also points out that the Claimant's unblemished service record requires that he receive the benefit of progressive discipline. The Organization argues that the Carrier's decision to discipline the Claimant twice therefore should be vitiated.

The Organization further maintains that the Carrier failed to afford the Claimant his due process rights. The Organization asserts that a review of the record demonstrates that the Carrier failed to present any credible evidence to support the charges leveled against the Claimant. The Organization therefore asserts that the assessed discipline is arbitrary, capricious, unwarranted, and excessive. Accordingly, the Organization contends that the instant claim should be sustained, the discipline rescinded, and the Claimant made whole.

The parties being unable to resolve their dispute, this matter came before this Board.

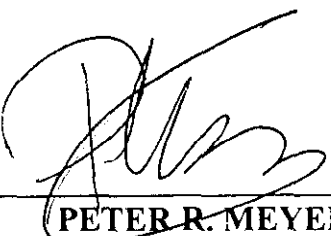
This Board has reviewed the evidence and testimony in this case and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of violating Carrier Rules C, F, and G-370. The record reveals that the Claimant violated several rules when he performed his work on the date in question and those rule violations contributed to the accident sustained by the Claimant.

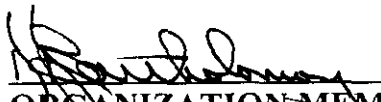
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its actions to have been unreasonable, arbitrary, or capricious.

This case only involved the issuance of a Letter of Reprimand. Given the rule violations that the Claimant was guilty of, this Board cannot find that the Carrier acted unreasonably, arbitrarily, or capriciously when it issued the Letter of Reprimand. Therefore, the claim will be denied.

**AWARD:**

The claim is denied.

  
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**PETER R. MEYERS**  
Neutral Member

  
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ORGANIZATION MEMBER  
DATED: 10-27-03

  
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CARRIER MEMBER  
DATED: 10/27/03