

PUBLIC LAW BOARD NO. 3241

In the Matter of:	)	National Mediation Board
	)	Administrator
BROTHERHOOD OF MAINTENANCE	)	
OF WAY EMPLOYES,	)	
	)	
Organization,	)	
	)	
and	)	
	)	
UNION PACIFIC RAILROAD	)	Case No. 17
COMPANY,	)	Award No. 17
	)	
Carrier.	)	

Hearing Date: March 18, 1986  
Hearing Location: Sacramento, California  
Date of Award: November 9, 1987

MEMBERS OF THE BOARD

Employees' Member: Mr. C. F. Foose  
Carrier Member: Mr. E. R. Meyers  
Neutral Member: Mr. John B. LaRocco

STATEMENT OF THE CLAIM

1. That the Carrier's decision to assess Welder Helper B. R. Anderson's personal record with fifteen (15) demerits was in violation of the provisions of the current Agreement and in abuse of discretion.

2. The Carrier will now be required to cleanse Claimant's personal record of the fifteen (15) demerits and no further reference thereto will be made.

OPINION OF THE BOARD

This Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act as amended; that this Board has jurisdiction over the parties and the subject matter of the dispute herein; that this Board is duly constituted by an Agreement dated July 23, 1982; and that all parties were given due notice of the hearing held on this matter.


In Award No. 16, this Board upheld discipline consisting of fifteen demerits which the Carrier assessed against a Division Welder for his failure to properly drain pipes in a Carrier trailer. Claimant herein was the Division Welder's Helper who also received fifteen demerits. In Award No. 16, we found Claimant and the Welder were given a task to perform and they made little effort to insure that the task was completed.

The facts and evidence in the record before us in this case are identical to the facts that we addressed in Award No. 16. For the reasons more fully set forth in Award No. 16, we must deny this claim.

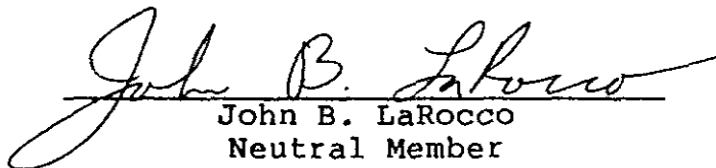
AWARD AND ORDER

Claim denied.

DATED: November 9, 1987

  
C. F. Foote  
Employees' Member

  
E. R. Meyers  
Carrier Member

  
John B. LaRocco  
Neutral Member