

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad

STATEMENT
OF
CLAIM:

The Letter of Caution issued to C. S. Fountain by Roadmaster L. J. Tucker on June 10, 1983 be removed and his record be cleared.

FINDINGS:

On the day in question, May 31, 1983, Apprentice Foreman Fountain was working under the immediate supervision of Foreman Brannen. It became necessary to replace a defective rail and claimant was instructed by Foreman Brannen to take the men and perform certain preparatory work prior to eating lunch. The work was not done before lunch and Foreman Brannen verbally reprimanded claimant for not doing so.

Claimant was under the impression that it would be in order to take lunch at the time his men and he did since it was beyond the normal lunch time when Mr. Brannen left him. When claimant attempted to explain his position, he was verbally reprimanded again and told "that that was the end of it."

However, Roadmaster Tucker gave claimant the

Letter of Caution on June 10, 1983; it reads as follows:

"This is a letter of caution to you for failure to carry out Mr. Brannen's instructions to clear off and rob rail to be changed out behind Sperry Car.

"You are reminded of Rule G-1 in Operating Rule Book and Rule 18 in Safety Book, the part about insubordination.

"Failure to carry out reasonable instructions issued to you by your Foreman or other superior is a violation of these rules.

"You should read these rules and comply with them in the future."


The record does not establish that claimant was harrassed or unfairly treated and it was not inappropriate, but in line with managerial authority, for the Roadmaster to bring the importance of rules compliance to claimant's attention. Carrier has unambiguously represented that the Letter is not considered to be of a disciplinary nature and will not become a part of claimant's discipline record. Its only purpose was to caution claimant to avoid similar incidents in the future.

AWARD:

Claim denied:

Adopted at Jacksonville, Florida, Dec. 19, 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member