

PUBLIC LAW BOARD NO. 7599

AWARD NO. 89
CASE NO. 89

PARTIES TO
THE DISPUTE: Brotherhood of Maintenance of Way Employees Division
IBT Rail Conference

vs.

Grand Trunk Western Railroad Company

ARBITRATOR: Gerald E. Wallin

DECISION: Claim denied

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

1. The Letter of Coaching imposed on Mr. I. Hernandez in connection with the Carrier’s Attendance Guidelines was in violation of the Agreement (Carrier’s File GTW-BMWED-2014-00003 GTW).
2. The claim, as referred to in Part 1 above, shall further be allowed as presented, because the Carrier defaulted on the claim when it failed to hold a timely appeal meeting as required by Rule 24(b).
3. As a consequence of the violations referred to in Parts 1 and/or 2 above, Claimant I. Hernandez shall ‘... be absolved of any wrong doing, his Personal Work Record expunged removing all references of this issue and be paid \$20.00 each day beginning January 22, 2014 and continuing every day thereafter until the remedy is awarded. We further request that the carrier engage in meaningful discussion with the Organization to resolve this dispute.’ (Employees’ Exhibit “A-1).”

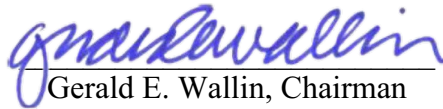
FINDINGS OF THE BOARD:


The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

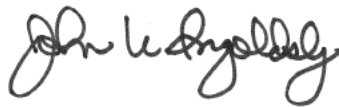
The on-property record in this matter seeks to resolve the question of whether a Letter of Coaching does or does not constitute discipline under the Agreement. The assertions of the Claim were refuted on the property. The Carrier maintained the letter did not constitute discipline. Thereafter, no evidence was supplied to prove that the letter did constitute discipline within the meaning of the Agreement. Therefore, we find the Claim has not been proven and must be denied.

AWARD:

The Claim is denied.


Gerald E. Wallin, Chairman
and Neutral Member


John Schlismann,
Organization Member


John Ingoldsby,
Carrier Member

July 9, 2021
Date: _____