

SPECIAL BOARD OF ADJUSTMENT NO. 924

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: Chicago and North Western Transportation Company

Award No. 124
Docket No. 132
CNW File: 81-87-76.

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The 'Written Performance Review' placed on the personal record of Section Foreman Thomas A. Doran was without just and sufficient cause and in violation of the Agreement (Organization File 4SW-1171; Carrier File 81-87-76).
- (2) The 'Written Performance Review' shall now be removed from the Claimant's personal record."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On November 8, 1986, Claimant was employed as foreman of the weekend gang at Boone, Iowa. On that day, Claimant was required to travel to Colo, Iowa, and a Carrier officer observed Claimant use a route through Ames, Iowa, rather than a bypass route. Carrier subsequently placed a written performance review in Claimant's personal record, which indicated that Claimant's choice of route caused a "blatant waste of time." On January 12, 1987, a hearing was held on the matter, and as a result, Carrier determined that the review would remain in Claimant's file. The Organization thereafter filed a claim on Claimant's behalf, seeking removal of the review from Claimant's file.


This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record that the

Claimant was guilty of making an unproductive use of his time by travelling through the city Ames, Iowa, rather than using the bypass.

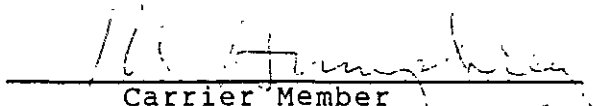
Once this Board has determined that the Claimant was properly found guilty, we next turn our attention to the type of action taken by the Carrier. This Board will not set aside a Carrier's action unless we find it to have been unreasonable, arbitrary, or capricious. In this case, the Claimant properly received a written performance review. This Board cannot find the action taken by the Carrier to be unreasonable. Therefore, the claim must be denied.

Award:

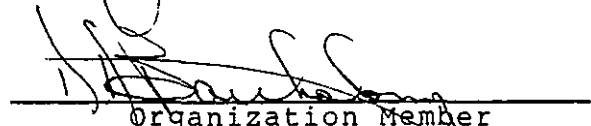
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 2/3/79