

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 924
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
CHICAGO & NORTH WESTERN TRANSPORTATION COMPANY

Case No. 176

Award No. 157

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

1. The written warnings assessed Machine Operator F. A. Cruz were without just and sufficient cause and as evidenced by the grievances hearing, such written warning was based on unproven and disproven charges (Organization File 9KB-4503T; Carrier File 81-90-18).
2. The Carrier failed to timely render a decision following the Grievances hearing in accordance with Rule 20.
3. Because of either Parts 1 and/or 2 above, the written warnings shall be removed from Machine Operator F. A. Cruz's personal file.

FINDINGS:

Claimant was employed as a machine operator. After a review of his record, the Claimant received a letter of warning for not properly performing his work. The Organization filed a claim, and the matter was brought before this Board.

This Board has reviewed the procedural objections raised by the Organization, and we find them to be without merit.

This Board has also reviewed the record in this case, and we find that the Carrier's letter of warning that merely placed the Claimant on its discipline program was fully justified. The letter of warning referenced previous letters of review which had been issued to the Claimant to remind him of his responsibilities and warn him that if he did not conform his behavior to the rules

and properly perform his job, he would receive more punitive discipline in the future.

The record contains the two letters of review that were sent to the Claimant regarding his performance, and we find that they constitute a sufficient basis for the issuance of the letter of warning in this case. Consequently, the letter of warning was issued for just cause and the claim will be denied.

AWARD:

Claim denied.

PR

PETER R. MEYERS
Neutral Member

Joan Harvins
Carrier Member

H. Barch
Organization Member

Dated: *April 24, 1992*