

The First Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: ( (Brotherhood of Locomotive Engineers  
(Chicago Central and Pacific Railroad Company

STATEMENT OF CLAIM:

"Engineer D. K. Jobe, Chicago, Central & Pacific Engineer, requests the removal of letter of censure dated February 22, 1990 - for the alleged violation of Rule 619 of the General Code of Operating Rules for excessive delay to train No. 71 (Extra 8258 West) at Iowa Falls, IA from approximately 5:55 p.m. until 8:43 p.m. on February 4, 1990, from his personal work record and compensation for all time lost in connection with this discipline."

FINDINGS:

The First Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

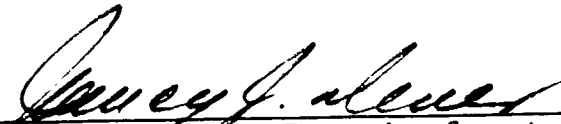
Claimant was assessed a letter of censure on February 29, 1990, following an Investigation on a charge in connection with a delay to his train on February 4, 1990. Study of the transcript of the Investigation fails to establish, in the circumstances present, that Carrier adequately demonstrated that Claimant was guilty of the charge. The discipline assessed will not be allowed to stand. The letter of censure must be removed from Claimant's record.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of First Division

Attest:

  
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Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of October 1991.