

The Fourth Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

PARTIES TO DISPUTE: (United Transportation Union - Yardmasters Department
(
(Illinois Central Railroad Company

STATEMENT OF CLAIM:

Claim and request that the reprimand assessed regular yardmaster R. N. Lucas as the result of the formal investigation held October 23, 1990 be removed from his personal work record.

FINDINGS:

The Fourth 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.

There is a dispute over discipline of reprimand assessed against Claimant for violation of Rule R. The record indicates that Claimant attended an Investigation held on October 23, 1990, and was subsequently found guilty.

The Board notes that by letter of November 13, 1990, the Organization put Carrier on notice that it had requested and not received a copy of the transcript of the Investigation. Throughout the dispute on the property, the Carrier refers to the transcript, but does not produce a copy repeatedly requested by the Organization. Rule 15(d) states:

"If stenographic record of proceedings of hearing is made, copy will be furnished the employee or his representative."


It is clear from this record that a transcript was made. Accordingly, when repeated requests are ignored and no denial by the Carrier is entered in the record, we can reach but one conclusion. The Carrier has violated the Agreement Rule, supra, and the Claim must be sustained without addressing the merits.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Fourth Division

Attest:


Nancy J. Deves - Executive Secretary

Dated at Chicago, Illinois, this 13th day of February 1992.