

Award No. 1882

Docket No. 1717

2-LI-CM-'55

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Lloyd H. Bailer when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 156, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (Carmen)**

THE LONG ISLAND RAIL ROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement Car Inspector R. L. Ferland has been unjustly deprived of his service rights when suspended and dismissed from the service on August 26th and September 11th, 1953, respectively.

2. That accordingly the Carrier be ordered to reinstate this employe with seniority rights unimpaired and compensate him for all time held out of service retroactive to August 26, 1953.

FINDINGS: The Second 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 employe 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.

The parties to said dispute were given due notice of hearing thereon.

Claimant was suspended on August 26, 1953, because of certain difficulties in which he had become involved. On August 31st carrier placed against him the charge of being an undesirable employe and also being absent from duty without permission on specified dates. Pursuant to formal investigation held on September 2nd he was dismissed from the service.

Examination of the record fails to disclose any violation by management of agreement Rule 35, which has to do with the handling of discipline matters. We find no fatal procedural defect in carrier's actions. The evidence is sufficient to support the charge filed against claimant. We are unable to conclude that in imposing the penalty of dismissal carrier was arbitrary, capricious or so unduly harsh as to be guilty of bad faith.

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AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 7th day of February, 1955.