

Award No. 2714
Docket No. 2552
2-PULL-EW-'57

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Thomas C. Begley when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Electrical Workers)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement The Pullman Company unjustly dismissed Electrician I. J. Yablon from service effective October 11, 1956.

2. That accordingly The Pullman Company be ordered to reinstate Electrician I. J. Yablon with seniority unimpaired.

3. That accordingly The Pullman Company be ordered to compensate him for all wage loss suffered by him from October 11, 1956 until he is reinstated.

EMPLOYEES' STATEMENT OF FACTS: Electrician I. J. Yablon, hereinafter referred to as the Claimant, was employed by The Pullman Company as an Electrician at the Pennsylvania Terminal District on June 10, 1952, and has been in their service ever since.

Under date of July 30, 1956, the Claimant was notified to appear for a hearing at 9:30 A.M. August 7, 1956. The hearing was then recessed until September 11th, on which date the hearing was completed; a copy of this hearing record is submitted and shown as Exhibit A.

Under date of October 11, 1956, R. Bucherati, Foreman, Pennsylvania District, notified the Claimant that he would be dismissed from service; a copy of this decision is submitted and shown as Exhibit B.

Under date of October 26, 1956, we appealed this decision; a copy of this appeal is submitted and shown as Exhibit C.

There is no evidence indicating that Yablon would have been in position to offer better evidence had the hearing originally been scheduled for a date other than August 7, 1956; nor is there any evidence indicating that Yablon was prejudiced or hampered in his effort to defend himself as a consequence of the company's action or non-action. It is clear that in the time which elapsed between the date originally set for the hearing and the dates on which the major part of the hearing was held Yablon had ample opportunity to prepare his case.

CONCLUSION

In this ex parte submission the company has shown that Electrician Yablon was guilty of each of the charges placed against him for his actions on May 25, June 2, and July 2, 1956, and that in each instance the penalty of discharge was warranted. Additionally, the company has shown that Awards of the National Railroad Adjustment Board support the company in this dispute.

The claim of the organization is without merit and should be denied.

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.

The Board finds that the evidence submitted at the investigation clearly proved the charges against the claimant. Therefore, the dismissal of the claimant was not based on false charges brought against him by assistant foremen in order to frame the claimant.

Taking into consideration the past record of the claimant, the dismissal from service was not unreasonable, arbitrary or excessive.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 6th day of December, 1957.