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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6481  
Docket No. 6333  
2-SPT(PL)-EW-'73

The Second Division consisted of the regular members and in addition Referee Irving R. Shapiro when award was rendered.

Parties to Dispute: ( System Federation No. 114, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Electrical Workers)  
(  
( Southern Pacific Transportation Company (Pacific Lines)

Dispute: Claim of Employees:

1. That under the current Agreement, Mechanical Department Electrician H. A. May was unjustly treated when he was dismissed from service on May 13, 1971, following investigation for alleged violation of Rule 801 of the General Rules and Regulations of the Southern Pacific Transportation Company on April 2, 1971.
2. That accordingly, the Carrier be ordered to:
  - (a) Restore the aforesaid employee to service, with all service and seniority rights unimpaired and compensate him for all time lost with payment of 6% interest added thereto.
  - (b) Reinstate all vacation rights for the aforesaid employee.
  - (c) Pay Southern Pacific Employees Hospital contributions, including dependents' hospital, surgical, medical and death benefit premiums for all time that the aforesaid employee is held out of service.

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.

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

The authority of this Board, as set forth in the Railway Labor Act is extensively confined. We are limited to review the record put before us; ascertain whether the terms of the Controlling Agreement between the parties had been complied with, and, in cases involving disciplinary action taken against an employe, determine whether Claimant was afforded a fair hearing and that the penalty assessed was not arbitrary, capricious, or unreasonable.

The transcript of the hearing below fully supports a finding that Claimant, who at the time was in Carrier's employ for four months, entered into a discussion with a fellow employe which was quarrelsome in nature and led to an altercation between the two workers with potentially dangerous consequences.

There is nothing in this record which warrants a holding that Carrier's action herein was violative of the above stated standards and, therefore, we will not interfere with the determination of the Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: \_\_\_\_\_

*E. A. Killen*

Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1973.