

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 6592
Docket No. 6430
2-BN-EW-'73

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

Parties to Dispute: { System Federation No. 7, Railway Employees'
{ Department, A. F. of L. - C. I. O.
{ (Electrical Workers)
{ Burlington Northern, Inc.

Dispute: Claim of Employees:

1. That in violation of the current agreement Assistant Communication Crew Lineman Randall S. Carbon was unjustly dismissed from the service of the Carrier on November 5, 1971.
2. That accordingly the Carrier be ordered to reinstate the aforementioned Assistant Communication Crew Lineman to service in his former position with the Burlington Northern Inc. with all seniority rights, pass privileges, vacations and/or vacation payments and holiday or holiday payments, back payments for all hospitalization and any other rights privileges or benefits allowable under schedule agreements and/or law and compensated for all lost wages together with six percent (6%) interest on all such lost wages and on all deferred hospitalization, holiday or vacation benefits. Interest to be compounded quarterly.

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.

A careful analysis of the voluminous record in this dispute, including the numerous awards cited, compels the conclusion that Carrier was not arbitrary and capricious in taking the action that it did.

A W A R D

Claim is denied.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of November, 1973.