

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

Parties to Dispute: { International Association of Machinists  
and Aerospace Workers  
Chicago, Rock Island and Pacific Railroad Company

Dispute: Claim of Employees:

1. That under the terms of the controlling agreement Machinists' Local Chairman C. O. Borchers was unjustly dismissed from the service of the Chicago, Rock Island and Pacific Railroad Company at El Reno, Oklahoma from July 14, 1971 until April 24, 1972.
2. That accordingly the Carrier be ordered to compensate Mr. Borchers for all time lost at his rate of pay on July 13, 1971 plus any raises in pay and back pay which was derived from negotiations, plus any overtime lost during his period of dismissal, plus any hospital or doctor's expenses or life insurance benefits to which he would have been eligible had he not been unjustly dismissed, plus credit toward vacation eligibility for all time lost and payment for any holidays that occurred during his period of dismissal, plus any and all other benefits to make him whole.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Following an Investigation held on July 1 and 2, 1971, it was found by Carrier that claimant had interchanged truck parts between a truck owned by him and one owned by the Carrier. Having adjudged claimant guilty of interchanging these parts, he was dismissed from service effective July 14, 1971. He was reinstated on May 1, 1972 and claim is for compensation while held out of service. It is the Petitioner's contention that the record fails to establish claimant had anything to do with the interchange of truck parts, if in fact, any such interchange had taken place.

Form 1  
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Award No. 6626  
Docket No. 6422  
2-CRI&P-MA-'74

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 29th day of January, 1974.