

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: ( System Federation No. 97, Railway Employees'  
( Department, A. F. of L. - C. I.O.  
( (Firemen & Oilers)  
(  
( Atchison, Topeka & Santa Fe Railway Company

Dispute: Claim of Employees:

- (1) That under the current agreement Laborer L. A. Walton was unjustly dismissed from the service of the Carrier as a result of an investigation held on May 7, 1975 at Newton, Kansas.
- (2) That accordingly the Carrier be ordered to reinstate the Claimant with his seniority, vacation, hospital, and insurance rights unimpaired and also that he be additionally compensated at his applicable hourly rate of pay for all time lost retroactive to April 23, 1975, and to continue on the same basis until he is returned to 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 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.

Claimant was dismissed from service for violation of Rules 18 and 34 of the General Rules for the Guidance of Employees. The specific offense with which he was charged was "theft of railroad property".

Review of the record shows no reason for the Board to find that the investigative hearing was other than fair or impartial or that the resulting action was capricious, discriminatory or arbitrary. In these circumstances, there is no cause for the Board's intervention in the disciplinary procedure as executed by the Carrier.

A W A R D

Claim denied.

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 1st day of November, 1977.