

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: { International Association of Machinists and
Aerospace Workers
{ Burlington Northern Inc.

Dispute: Claim of Employees:

1. That the Burlington Northern, Inc. violated the existed controlling Agreement, Rule 35, but not limited thereto, when on November 17, 1978, Machinist D. L. Gunchick was improperly and unjustly dismissed from Carrier's service.
2. That, accordingly, Machinist D. L. Gunchick be reinstated to the service of the Carrier with payment for all lost time with seniority rights unimpaired and all other rights and privileges restored.

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.

Claimant in this case was one of a number of employees who left work early on October 13, 1978, and who were stopped by special officer Congers and General Foreman Lippert while leaving the parking lot in their cars. Claimant, as well as at least two other employes, were dismissed from service. In Award Nos. 8379 and 8463 this board has upheld carrier's actions and denied the employes' claim. The record of this case is sufficiently duplicative of the record presented in the previous cases involving the same type of incident that the board sees no reason to write an extensive award. This claim is denied and carrier's actions are supported for the same reasons cited by us in Award Nos. 8379 and 8463.

A W A R D

Claim denied.

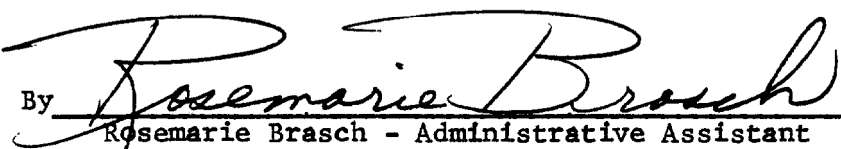
Form 1
Page 2

Award No. 8464
Docket No. 8420
2-BNI-MA-'80

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of October, 1980.