

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 8856
Docket No. 9038
2-L&N-FO-'82

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

Parties to Dispute: { International Brotherhood of Firemen and Oilers
{ Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That under the current and controlling agreement, Service Attendant, T. L. Sewell was unjustly suspended from service on August 9, 1979, and subsequently dismissed on September 28, 1979, from service of the Louisville and Nashville Railroad Company, after a formal investigation was held in the office of Mr. J. D. Tompkins, Conducting Officer, on September 5, 1979.
2. That accordingly T. L. Sewell, Service Attendant, be restored to his regular assignment at South Louisville Shops with all seniority unimpaired, vacation, health and welfare, hospital, life and dental insurance be paid and compensated for all lost time, effective August 9, 1979, date Mr. Sewell was suspended from service, and the payment of 6% interest rate added thereto.

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 T. L. Sewell was employed as a Service Attendant by the Carrier at its Louisville, Kentucky facilities on October 4, 1976 and worked as such until he was suspended from service on August 9, 1979, for failure to comply with instructions and threatening his supervisor. A hearing into the matter was held September 5, 1979. Claimant was found guilty and on September 28, 1979 dismissed from service.

The Board has carefully reviewed the entire record, including the transcript of the investigation conducted on September 5, 1979. The transcript of the proceedings reflects that substantive evidence of probative value was presented to support, the Carrier's findings. We will not disturb the Carrier's findings in this regard. Accordingly, we will uphold the Company's discipline and deny the claim.

A W A R D

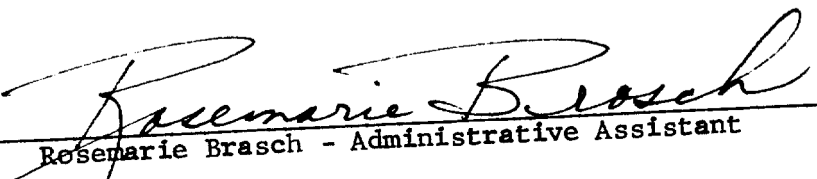
Claim denied.

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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 6th day of January, 1982.