

The Second Division consisted of the regular members and in addition Referee James F. Scarce when award was rendered.

Parties to Dispute: { International Brotherhood of Electrical Workers  
Chesapeake and Ohio Railway Company

Dispute: Claim of Employees:

1. That the Chesapeake and Ohio Railway Company unjustly and arbitrarily suspended from service on May 2, 1980 and subsequently dismissed Electrician Glen C. Bailey from service on June 3, 1980.
2. That the Chesapeake and Ohio Railway Company violated the current agreement when they failed to afford Electrician Glen C. Bailey a fair and impartial hearing.
3. That accordingly, the Chesapeake and Ohio Railway Company be ordered to restore Electrician Glen C. Bailey to service with his seniority rights unimpaired, all other benefits he would have been entitled had he not been dismissed from service and be compensated for all wages lost beginning on May 2, 1980 until reinstated to service account of the improper suspension and dismissal from 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.

This is a companion case to Award 9453 involving the discharge of the Claimant on the charge of theft of crossties. The fact situation is the same for both cases in that the Claimant was at the location where new crossties were being removed from a stockpile along the right-of-way.

The Claimant's hearing was held in conjunction with that of Seagraves Award No. 9453, the fact situation identical and the defense the same. We find no basis to reach any different conclusion here than in the other case.

A W A R D

Claim denied.

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Award No. 9454  
Docket No. 9467  
2-C&O-EW-'83

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 20th day of April, 1983.