

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

Parties to Dispute: (International Association of Machinists and Aerospace Workers
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to restore Machinist R. A. Browning to service and compensate him for all pay lost up to time of restoration to service at the prevailing Machinist rate of pay.
2. That Machinist R. A. Browning be restored to service with seniority unimpaired and compensated for all insurance benefits, vacation benefits, holiday benefits and any other benefits that may have accrued and were lost durring (sic) this period, in accordance with Rule 7-A-1 (e) of the prevailing Agreement which was effective May 1, 1979.

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 employes 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 dispute arose after the Claimant was found guilty of charges that he had been dishonest and threatened the life of a Carrier official. The Carrier, to reach its finding, essentially relied upon testimony adduced at the hearing. For its part, the Organization argues on both procedural and substantive ground which are well documented in the record and have been fully considered by the Board.

This Division, on numerous occasions, has found that charges such as those to which the Claimant was found guilty may lead to dismissal from the service. On the record before us, we find that the Carrier has met its burden required to sustain a finding of guilt. Given this finding, there are no grounds to set aside the discipline imposed.

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Award No. 10285
Docket No. 10131
2-CR-MA-'85

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1985.