

Award No. 3307
Docket No. 3085
2-UP-MA-'59

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 105, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.—C. I. O. (Machinists)**

UNION PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement Carrier unjustly dismissed Machinist Charles F. Johnson from service on July 26, 1957.
2. That accordingly the Carrier be ordered to restore him to service with seniority rights unimpaired, compensated for all time lost retroactive to the above mentioned date.

EMPLOYEES' STATEMENT OF FACTS: Machinist Charles F. Johnson hereinafter referred to as the claimant was employed by the carrier on August 12, 1940, as a machinist apprentice and upon completion of his apprenticeship was retained in the service as a machinist and has been serving in that capacity until his removal from service on July 26, 1957.

The carrier's District Foreman C. F. House summoned the claimant to appear for a hearing on July 26, 1957, 9:00 A. M., for failure to properly comply with Rules 700 and 702 in that he was being insubordinate and leaving his job without permission at 7:00 A. M. July 20, 1957. The hearing was held as scheduled and the copy of transcript of such hearing is submitted herewith and identified as Exhibit A.

This dispute has been handled with the carrier up to and including the highest officer so designated by the company with the result that he has declined to adjust it.

The agreement effective September 1, 1949, as it has been subsequently amended, is controlling.

Exhibit A) and was, in effect, admitted by the organization by processing a request for leniency reinstatement.

The carrier submits that the discipline was neither unjust nor unduly severe. It respectfully requests this Board not to overrule the considered judgment of management in this case nor to absolve the claimant of his responsibility by reimbursing him for time lost and reinstating him as requested by the employees.

The claim should, if not dismissed on the jurisdictional basis heretofore urged, be denied.

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 were given due notice of hearing thereon.

The evidence of record discloses that carrier did not act unjustly in dismissing claimant from service. Since part (1) of the claim must be denied, it is unnecessary to give consideration to part (2) thereof.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman

Dated at Chicago, Illinois, this 7th day of August 1959.