

**Award No. 4717**  
**Docket No. 4589**  
**2-SP(PL)-CM-'65**

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**SECOND DIVISION**

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

---

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 114, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L.-C. I. O. (Carmen)**

**SOUTHERN PACIFIC COMPANY (PACIFIC LINES)**

**DISPUTE: CLAIM OF EMPLOYEES:** 1. That under the current agreement the Southern Pacific Company unjustly dismissed S. J. Williams, former Coach Cleaner, from the service February 26, 1963.

2. That accordingly the Southern Pacific Company be ordered to restore him to their service with all seniority rights unimpaired. That he be compensated for all time lost retroactive to February 26, 1963. That he be allowed all vacation rights. That the company pay all premiums for hospital, surgical and medical benefits for all time held out of service. That the company pay the premiums for life insurance for all time held out of service. That the company pay into the Railroad Retirement Fund the maximum amount that is required to be paid on an active employe.

**EMPLOYEES STATEMENT OF FACTS:** S. J. Williams, herein after referred to as the claimant, was employed by the Southern Pacific Company (Pacific Lines), herein after referred to as the carrier, October 1, 1945, as a coach cleaner and has served the carrier since that date faithfully. He was regularly assigned to work in the West Oakland Passenger Yard, Monday thru Friday, between the hours of 8:00 A. M. and 4:00 P. M.

February 11, 1963, Mr. F. R. Olds, master mechanic, addressed a letter to the claimant advising him that he was to be present at the office of the master car repairer, West Oakland Passenger Yard, at 9:00 A. M., Friday, February 15, 1963, for a formal hearing in connection with his alleged removing company property from its storage area and preparing it for handling with the intent to remove same from company premises without authority on February 9, 1963.

This hearing was postponed, by request of Local Chairman Wm. M. Autry, and rescheduled for February 18, 1963, at 9:00 A. M., to be held in the office of the master car repairer, West Oakland Passenger Yard. This hearing was held as scheduled February 18, 1963, convening at 9:00 A. M., adjourning at 12:00 Noon.

"That he be allowed all vacation rights. That the Company pay all premiums for hospital, surgical and medical benefits for all time held out of service. That the Company pay the premiums for life insurance for all time held out of service. That the Company pay into the Railroad Retirement Fund the maximum amount that is required to be paid on an active employe."

Following his dismissal, claimant was allowed vacation pay in amount of \$275.62 in accordance with the controlling vacation agreement. Carrier is not aware of any other vacation rights which would flow to the claimant under the vacation agreement and, in fact, asserts there are none. Petitioner's requests that the company pay all premiums for hospital, surgical and medical benefits; pay the premiums for life insurance and pay into the Railroad Retirement Fund the maximum amount that is required to be paid on an active employe, are not supported by any rule, custom or practice in effect on carrier's property and, carrier asserts, are not properly referable to your honorable board.

**CONCLUSION:** The carrier here asserts that the claim in this docket is entirely without basis or merit, and therefore respectfully requests that it 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 waived right of appearance at hearing thereon.

There was substantial evidence adduced at the hearing to justify the Carrier's decision that claimant was guilty of misconduct of a kind which is generally regarded as justifying dismissal, so there is no valid basis for the claim.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy  
Executive Secretary

Dated at Chicago, Illinois, this 19th day of May, 1965.