



Award No. 4797

Docket No. 4727

2-NP-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. 7, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. — C. I. O. (Carmen)**

NORTHERN PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1. That under the current Agreement Coach Cleaner R. G. Ek was unjustly discharged from the service January 11, 1964.

2. That accordingly the Carrier be ordered to reinstate R. G. Ek with all seniority and all other rights unimpaired and to compensate him for all time lost since January 11, 1964.

EMPLOYES' STATEMENT OF FACTS: Coach cleaner R. G. Ek, hereinafter refer to as the claimant, was employed by the Northern Pacific Railway Co. January 29, 1963.

On December 23, 1963 Master Mechanic L. R. Earl, addressed the following letter to Mr. R. G. Ek.

St. Paul, Minnesota
December 23, 1964

Mr. Richard G. Ek
Coach Cleaner
Third Street Coach Yards

You are hereby notified in accordance with the rules of the Brotherhood Railway Carmen of America schedule to report at Master Mechanic's Office at Mississippi Street St. Paul, Minnesota at 1:00 P. M. on Thursday, December 26, 1963 for investigation covering the following matter:

"You are charged with violation of Rule G, 700, 701, 704 and 707 of Form 541, Safety Rules and Admonitions and Excerpts from

tainted with bias. Consequently, this Division should not superimpose its judgment upon that of management and order the reinstatement of Mr. Ek. The claim covered by this docket should be denied in its entirety.

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 employees 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 adduced at the investigation supports the Carrier's finding that the claimant was guilty of a violation of Rule G. Since he had been in the service of the Carrier for less than one year, dismissal is not an unreasonable penalty for that offense.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 4th day of November, 1965.