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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6333
Docket No. 6154
2-L&N-MA-'72

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute: (System Federation No. 91, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Machinists)
(
(Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

- (a) That under the current agreement, Machinist Apprentice J. E. Collins, hereinafter called the Claimant, was unjustly dismissed by the Louisville & Nashville Railroad, hereinafter called the Carrier, on July 17, 1970.
- (b) That accordingly, the Carrier be ordered to reinstate the Claimant with his former seniority and all other rights unimpaired and with pay for all time lost and for vacation, Travelers Insurance and all other so-called fringe benefits that have or may be lost during the time he is out of 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.

A careful review of the evidence presented in this case shows that the Claimant was sleeping on the job on June 10, 1970. A fair and impartial hearing was held on the property and the Claimant thereafter was discharged.

In considering the question of what constitutes appropriate disciplinary action in this case, this Board has considered the Claimant's entire employment record. He was employed on February 23, 1967 by the Carrier as a machinist apprentice.

A careful review of the Claimant's three and one-half years of employment since he was hired reveals no mitigating circumstances in this case. His attendance was poor and his conduct on the job was unsatisfactory.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Killen

Executive Secretary

Dated at Chicago, Illinois, this 7th day of July, 1972.