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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6465
Docket No. 6322
2-BN-EW-'73

The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.

Parties to Dispute: (System Federation No. 7, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(Burlington Northern, Inc.

Dispute: Claim of Employee:

1. That in violation of the current agreement Electrician Helper R. H. Herndon was unjustly dealt with when under date of May 10, 1971 Carrier arbitrarily discharged him from the service of the Carrier effective February 4, 1971.
2. That accordingly, the Carrier be ordered to restore Electrician Helper R. H. Herndon to service with all seniority, pass privileges, hospitalization, holidays, vacations, and any other rights, privileges or benefits allowable under rules, agreements and/or law, and compensated for all time lost together with six percent (6%) interest on all lost wages. Interest to be compounded quarterly. Claim for lost wages and interest to start with date of May 10, 1971, and to continue until claim is adjusted. All other benefits claimed to be in accord with claimant's original seniority date and service rendered.

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.

In this disciplinary case which resulted in the dismissal from the service of claimant, we can find no procedural defects in the record.

He was afforded a fair and impartial hearing, arguments offered by the Organization to the contrary notwithstanding the evidence adduced was sufficiently substantial to warrant the finding of guilty and the decision of dismissal from the

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service was neither arbitrary nor capricious, considering the circumstances.
We will deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Killian
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1973.