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NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6468
Docket No. 6340
2-IC-CM-'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. 99, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Illinois Central Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement Carman Robert Lee Wright was unjustly dismissed from the service of the Illinois Central Railroad on November 4, 1971.
2. That accordingly the Illinois Central Railroad be ordered to reinstate Carman Robert Lee Wright to service with seniority unimpaired, paid for all time lost, and any other benefits he would be deprived of while being held 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 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.

Claimant in this case was properly charged with "Conduct unbecoming an employe for activities leading to your arrest, conviction and sentencing to the Shelby County Penal Farm" and with being absent without leave since March 4th, 1971.

He was afforded a fair and impartial trial not only devoid of any procedural defects but devoid of any allegations of such defects. The evidence adduced at the hearing was substantial resulting in a finding of guilty and as a consequence thereof, claimant was ordered to be dismissed from the service. We cannot find in this case that Carrier acted in an arbitrary or capricious manner. In consideration of the claimant's past record and Carrier's handling of previous incidents involving discipline, we feel that the final decision of dismissal should remain undisturbed.

We will deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: E. A. Killean
Executive Secretary

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