

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 16, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(The Detroit & Toledo Shore Line Railroad Company

Dispute: Claim of Employees:

1. That under the current working Agreement Carman Helper Ronald Lee Slayton was unjustly dismissed from the service of The Detroit and Toledo Shore Line Railroad Company on June 9, 1972.
- 2.. That accordingly The Detroit and Toledo Shore Line Railroad Company be ordered to restore Carman Helper Ronald Lee Slayton to service with seniority unimpaired, and pay him for all time lost at the applicable rate of pay with an additional 6% compounded annually on the anniversary date of claim, along with all other benefits he would have received had he not been unjustly dismissed.

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.

On the state of the record before this Division in this dispute, there is no basis for finding that Carrier's action was arbitrary or capricious. There was substantial evidence of probative value to support the discipline imposed by Carrier.

The Organization's effort to show that Rule 12 of the agreement between the parties is misplaced. Rule 12 has no application to the factual circumstances in this dispute.

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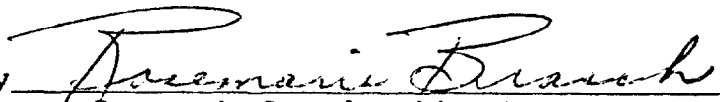
Award No. 6645
Docket No. 6431
2-D&TSL-CM-'74

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of February, 1974.