

*Noted  
gm*

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. 21, Railway Employees'  
{ Department, A. F. of L. - C. I. O.  
{ (Firemen & Oilers)  
{ Southern Railway Company

Dispute: Claim of Employees:

1. That under the current agreement, laborer L. R. Banks was unjustly suspended from service by Southern Railway Company at Chattanooga, Tennessee on February 18, 1973. And after a summary investigation on February 22, 1973, was dismissed.
2. That accordingly, the carrier be ordered to restore laborer L. R. Banks to service with his seniority rights, vacation, health and welfare, life insurance rights, in addition to pay for all time lost.

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 were given due notice of hearing thereon.

It is clear from the record that claimant had a firearm in his possession while on company property at the end of his tour of duty on February 15, 1973, in violation of Rule GR-27, as contained in Bulletin No. 8 and effective November 1, 1972. It is also clear that claimant had ample opportunity to familiarize himself with the bulletin.

Discipline was warranted for violation of the rule, but under the circumstances as brought out in the investigation permanent dismissal was excessive.

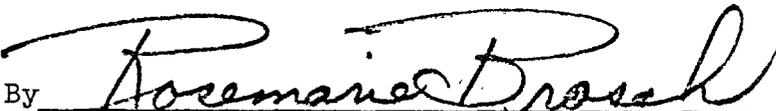
We will award that claimant be restored to the service with seniority and other rights unimpaired but without compensation for time lost while out of service.

A W A R D

Claim sustained to extent indicated in the Findings.

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 20th day of June, 1975.