

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

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(
(Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

1. That under the current Agreement the Baltimore and Ohio Railroad Company unjustly dismissed from service Machinist R. P. Palm, from the date of May 1, 1973.
2. That accordingly the Baltimore and Ohio Railroad Company be ordered to reinstate Machinist R. P. Palm, to his former position, compensate him for all time lost from May 1, 1973 (exclusive of dates receiving sick benefits under RUIA), until restored to service with seniority unimpaired, made whole for all vacation rights and payment for Health and Welfare and Death Benefits under Travelers Insurance Policy CA-23000.

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.

Claimant was charged with leaving his position during assigned working hours on March 31, 1973. After investigation and hearing, Claimant was dismissed from service. The day following his dismissal from service, Claimant was granted a disability annuity.

A review of the record in this dispute compels the conclusion that Carrier's action was not warranted under the circumstances.

The Board further finds, therefor, that:

1. Claimant should be reinstated with seniority and vacation rights unimpaired subject to and on condition that Claimant is medically approved to return to service by Carrier and the Railroad Retirement Board.

2. The claim for pay for time lost is without basis and is denied.

3. The claim for payment for Health and Welfare and Death Benefits under Travelers Policy GA-23000 is denied.

A W A R D

Claim disposed of per findings herein.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of August, 1975.