

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. 114, Railway Employees'  
( Department A.F.L. - C.I.O. - Electrical Workers  
(  
( Southern Pacific Transportation Company  
( Pacific Lines)

Dispute: Claim of Employee:

1. That under the current Agreement, Mechanical Department Electrician Arthur Murillo was unjustly treated when he was dismissed from service on June 7, 1973, following investigation, for alleged violation of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company on May 24, 1973.
2. That accordingly, the Carrier be ordered to:
  - (a) Restore the aforesaid employe to service, with all service and seniority rights unimpaired, compensate him for all time lost and with payment of 6% interest per annum.
  - (b) Reinstate all vacation rights for the aforesaid employe.
  - (c) Payment of hospital, medical insurance, group disability insurance, and Railroad Retirement contribution.

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 was charged with unauthorized absence in violation of Carrier's Rule 810. After hearing and investigation Claimant was dismissed from service. The record, particularly that portion of the transcript of hearing where Claimant admits culpability, compels the finding that Carrier's action was not arbitrary or capricious.

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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of August, 1975.