

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: { System Federation No. 100, Railway Employees'
{ Department, A. F. of L. - C. I. O.
{ (Electrical Workers)
{ Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That under the current agreement, Electrician William Sibick was unjustly dismissed from the service of the Erie Lackawanna Railway Company, now Consolidated Rail Corporation, following an investigation held February 8, 1976.
2. That accordingly the Carrier be ordered to restore to the aforesaid employe all pay due him from the first day he was held out of service until the day he is returned to service, at the applicable Electrician's rate for each day he has been improperly held from service; and all benefits due him under the group hospital and life insurance policies for the above mentioned period; and all railroad retirement benefits due him including unemployment and sickness benefits due him for the above described period; and all vacation and holiday benefits due him under the current vacation and holiday agreements for the above described period; and all other benefits that would normally accrue to him had he been working in the above described period in order to make him whole.

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 violating Safety Rule 106, which is verbatimly quoted as follows: