

The Second Division consisted of the regular members and in addition Referee Robert A. Franden 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 Communications Maintainer Raymond Kopp was unjustly dismissed from the service of Consolidated Rail Corporation (former Erie Lackawanna) effective May 13, 1977.
2. That accordingly, the carrier be ordered to restore the aforesaid employe with 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 Communications Maintainer'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 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.

Pursuant to notice and after an investigation properly held on May 3, 1977, the claimant was dismissed from the service of the carrier for violation of Rule O-2 of the General Rules of the "Book of Safety Rules" and Rules O-1 and O-4 of the General Rules of the "Rules of the Operating Department" of the former Erie Lackawanna Railway Company. The rules read as follows:

- "O-2. Employees who are dishonest, immoral, vicious, insubordinate, quarrelsome, uncivil in deportment, or who are careless with the safety of themselves or of others will not be retained in the service."

"O-1. Employees must not absent themselves from duty nor provide a substitute without proper authority.

Time must not be shown on time slip, time book or payroll, except for work actually performed by the person named."

"O-4. Employees are required to devote their time exclusively to the business of the company unless expressly exempt from so doing by the proper authority."

We have reviewed the record carefully and in particular the transcript of the investigation and find that the record well-supports the finding that the claimant performed an immoral act which in and of itself was sufficient to warrant dismissal. Further allegations of the violations of Rules O-1 and O-4 of the General Rules of the Operating Department were also found to be supported by evidence of probative value. We will not disturb this discipline.

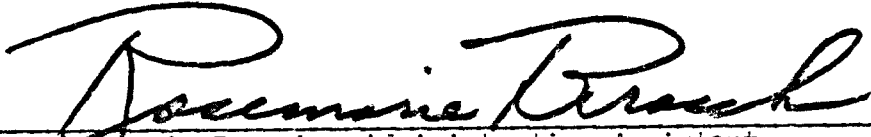
A W A R D

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 21st day of February, 1979.