

Award No. 2376
Docket No. TE-2296

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
ATLANTIC COAST LINE RAILROAD

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atlantic Coast Line Railroad, that J. E. Williams, who was unjustly dismissed from the service effective July 14, 1941, shall be paid for all time lost during the period he was under dismissal until he was restored to his regularly assigned position of 1st trick leverman-telegrapher at Uceta, Florida, Tower on March 26, 1942.

OPINION OF BOARD: Employees alleged in their original submission to this Division that the service record of Mr. Williams was clear. However, it appears from the Carrier's rebuttal statement and was conceded at the hearing that his record is not clear. The record further discloses that Mr. Williams was reinstated in the service on March 26, 1942, with seniority rights unimpaired.

This Division has repeatedly held that discipline imposed by Management should not be disturbed unless the record discloses that the discipline was imposed arbitrarily, without just cause or in bad faith, and this Division will not substitute its judgment in matters of discipline for the judgment of the Carrier.

Viewing this record in the light of Mr. Williams' service record and his reinstatement in the service, certainly this Division cannot hold that the Carrier acted arbitrarily, without just cause or in bad faith.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That no violation of the Agreement has been shown.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 15th day of November, 1943.