

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association for and in behalf of J. H. Adrian, a Movement Director within the Scope of Part II of the Agreement between the Pennsylvania Railroad Company, the Long Island Rail Road Company and Train Dispatchers, Movement Directors, Power Directors and Assistant Power Directors, employees of the said carriers, that:

- (a) The Pennsylvania Railroad Company did, on July 2, 1947, serve upon said J. H. Adrian a charge, accusing him of an offense and directing him to report for a trial therefor, which charge was vague and indefinite and did not specify an exact offense for which he was to be tried, as is required by Regulation 6-C-1-(a) of said agreement.
- (b) The Pennsylvania Railroad Company did on July 10, 16, 21 and 29, 1947, conduct a trial upon said vague and indefinite charge, which trial was unfair and partial and, therefore, was in violation of Regulation 6-A-1-(a) of said agreement.
- (c) The evidence adduced by the Pennsylvania Railroad Company at said trial was inadmissible, incompetent, insufficient, inconclusive, conflicting, false and wholly lacking in probative value.
- (d) The Pennsylvania Railroad Company did, on August 4, 1947, as a result of said charge and trial, dismiss said J. H. Adrian from its service, which action was unjust, unreasonable, arbitrary, capricious and in abuse of its discretion.
- (e) The Pennsylvania Railroad Company be required to restore J. H. Adrian to its service and to his former position as Movement Director with seniority unimpaired; to expunge the record of J. H. Adrian of the charge upon which he was dismissed and any and all entries relating thereto; and to fully compensate J. H. Adrian at his regular rate of pay as Movement Director for all time the railroad company has caused him to lose as a result of being held out of service pending investigation, trial and dismissal.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That no hearing thereon has been held, and under date of September 1, 1948, the parties jointly addressed a formal communication to the Acting Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 9th day of September, 1948