

Award No. 10650

Docket No. MS-12986

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

JOHN FARRELL

CHICAGO & WESTERN INDIANA RAILROAD COMPANY

STATEMENT OF CLAIM: Reinstatement of Carpenter John Farrell to former position, and compensation for time lost starting December 26, 1960 until date reinstated, because of dismissal resulting from hearing held December 15, 1960.

OPINION OF BOARD: The Claimant's foreman testified as to the manner in which the Claimant was insubordinate. The Claimant and his representative not only failed to refute such testimony, they even failed to deny the truth or accuracy thereof. Hence, the claim of the petitioner fails because of lack of merit. Furthermore, the presentation of claim for compensation for time lost was not handled in compliance with the applicable rules of the working Agreement. Accordingly, request for reinstatement to former position and pay for time lost lacks merit. It should be and is hereby denied.

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 Employee involved in this dispute are respectively Carrier and Employee 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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of June 1962.