

Award No. 10795

Docket No. MW-11823

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Extra Gang Foreman J. W. Peppers from service on May 19, 1958 was arbitrary, unfair, without just and sufficient cause and in violation of the effective Agreement.

(2) Mr. J. W. Peppers now be restored to service with seniority, vacation and all other rights unimpaired account of the violation referred to in Part (1) of this claim.

OPINION OF BOARD: After careful study of the Record, which includes a transcript of the testimony taken at the hearing, and of the argumentation made by the parties and in their behalf, we do not believe that the complained of action on the part of the Carrier was either arbitrary, unfair, or without just and sufficient cause, nor can we conclude that the effective Agreement was violated.

Accordingly, the Claim must be 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 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 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 19th day of September, 1962.