

Award No. 10831  
Docket No. TE-12478

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Wesley Miller, Referee

---

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**NEW YORK CENTRAL RAILROAD COMPANY  
(Western District)**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the New York Central Railroad (Western District), that:

1. Carrier's assessment of the penalty of dismissal against C. G. Morgan, Extra Ticket-Agent-Operator, Painesville, Ohio, on August 8, 1960, for the offense as charged, is excessive and an abuse of Carrier's discretion.
2. Carrier shall, by removing the discipline assessed against claimant, restore him to service in the manner prescribed by Article 32 of the Agreement.

**OPINION OF BOARD:** After careful study of the record before us (which includes a transcript of the testimony taken at grievant's hearing) and the argumentation presented, we do not believe that the complained of action of the Carrier was arbitrary, excessive, or an abuse of its managerial discretion.

There is no evidence that the employe involved was deprived of any rights in the realm of due process, nor does it appear that the Agreement of the parties was violated in any manner.

Therefore, this claim must be denied.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 10th day of October 1962.