

Award No. 11456

Docket No. CL-13475

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5172) that:

(a) Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 6-A-1, 6-B-1 and 7-A-1 (d), when it held Mr. C. T. Egan, Relief Baggagehandler, Terre Haute, Indiana, Southwestern Region, out of service commencing Wednesday, August 31, 1960, and subsequently imposed discipline of dismissal from service.

(b) C. T. Egan shall now be restored to service of Carrier with seniority and all rights unimpaired and his record cleared.

(c) C. T. Egan shall now be reimbursed for all wage loss sustained as a result of the Carrier's action.

OPINION OF BOARD: After careful study of the Record, which includes a transcript of the testimony adduced at the hearing, and of the argumentation presented by the parties and in their behalf, we do not believe that the complained of action on the part of the Carrier was arbitrary, capricious, 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, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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.

Claim denied.

AWARD

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of May 1963.