

Award No. 12248
Docket No. SG-14183

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN
ATLANTIC COAST LINE RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Atlantic Coast Line Railroad Company:

Appeal of thirty-five day suspension of Assistant Signalman D. S. King, Jr., and the dismissal of Assistant Signalman C. E. Denmark, Jr., for their alleged actions on November 28, 1962, at about 8:00 P. M., account Carrier failed to sustain the charges it had made against him.

OPINION OF BOARD: This is a discipline case. Charges were timely served upon Claimants, hearing held, and a finding of guilty as charged issued, all in conformity with Rule 46 of the Agreement. Claimant King was suspended from service for 35 days; Claimant Denmark was dismissed from service.

We have reviewed the transcript of the disciplinary hearing and find that: (1) the findings of guilt as charged are supported by substantial evidence; and (2) the disciplinary action meted was not excessive. We will deny the claim.

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 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 Carrier did not violate the Agreement.

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 February 1964.