

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Kieran P. O'Gallagher, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Pennsylvania Railroad, that C. J. Rodgers, regularly assigned Block Operator, North Philadelphia Tower was unjustly relieved from duty, approximately 10:59 P.M., March 5, 1963, given a trial on March 15, and subsequently dismissed from service for the following alleged offense:

"Being in an unfit condition to perform the duties of Block Operator while on duty at North Philadelphia Block Station, approximately 10:59 P.M., March 5, 1963."

OPINION OF BOARD: The Organization contends the Carrier in its allegation that the Claimant on the day in question was in "an unfit condition to perform the duties of Block Operator while on duty at North Philadelphia" was not sufficiently definite and failed to charge the Claimant with violation of any rule. We find this contention lacks merit, and we further find from a careful reading of the transcript of testimony taken at the hearing on March 15, 1963, that the Claimant was afforded a fair and impartial hearing; and that the finding of guilty as charged is supported by the evidence. There being no showing the Carrier acted in an arbitrary or unjust manner, it therefore follows 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.

AWARD

Claim denied.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of May 1965.