

Award No. 13813
Docket No. MS-14804

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

EDWARD C. WOLFE
SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: It is the contention of the petitioner, E. C. Wolfe, that he was unjustly dismissed from the service of the Southern Railway Company, it being alleged that the petitioner gave improper handling to train order on May 18, 1962, while on duty as Clerk-Telegrapher at Dalton, Georgia.

It is the further contention of the petitioner that his dismissal from the service of the aforesaid Southern Railway Company was in violation of the working agreement existing at that time between the Order of Railway Telegraphers and the aforesaid company.

In view of these contentions, the petitioner desires to be reinstated to the service of the aforesaid Southern Railway Company with seniority rights unimpaired and with full compensation for time lost as a result of his dismissal from the service of the aforesaid company.

OPINION OF BOARD: The Petitioner was dismissed from the service of the Carrier for failure to properly handle a train order. A review of the record discloses no proper basis for finding that the Carrier's action in dismissing Petitioner was arbitrary, capricious or in bad faith and the claim will be denied for this reason, without passing upon the procedural issues raised.

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 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 6th day of August 1965.