Award No. 14248

Docket No. TE-14637

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

GULF, COLORADO AND SANTA FE RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Colorado & Santa Fe Railway, that:

    1. Carrier violated the Agreement between the parties by imposing the severe, harsh and arbitrary discipline of dismissal from its service upon Telegrapher R. W. McBride on July 20, 1962, account alleged violation Rule G and 752, Carrier's Operating Department Book of Rules.

    2. Carrier shall now reinstate Claimant McBride to his position with seniority, vacation and all other rights unimpaired, expurge his personal record of the charges placed against him and compensate him for a day's pay each and every day he has been held out of service from July 20, 1962, forward.

OPINION OF BOARD: Claimant R. W. McBride was dismissed from the service of the Carrier for violation of rules relating to conduct of employes. A full review of the record discloses no basis for finding that the Carrier violated the Agreement, nor that its action of dismissing the Claimant was arbitrary, capricious or in bad faith.

For these reasons, the claim will be denied without passing upon the procedural issues raised.

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 18th day of March 1966.