

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

**SOUTHERN PACIFIC COMPANY
(Pacific Lines)**

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Southern Pacific Company (Pacific Lines), that:

1. Carrier acted improperly when effective January 14, 1966, it dismissed L. S. Freda, regular occupant of third shift telegrapher-clerk-towerman position, Magnolia Tower, Oakland, California, on an alleged charge of having violated Rule 810 of the Rules and Regulations of the Transportation Department while on duty Thursday, December 9, 1965.

2. Carrier shall, because of the violation set forth above, reinstate L. S. Freda to its service, with all rights unimpaired and pay him for all time lost.

OPINION OF BOARD: After careful study of the record, which includes a transcript of the testimony taken at the hearing, and of the argumentation made by the parties and in their behalf, we do not believe that the complained-of action on the part of the Carrier was either arbitrary, unfair, or without just and sufficient cause, nor can we conclude that the effective Agreement was violated.

Accordingly, the Claim is 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 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 16th day of June 1967.

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