

Award No. 16444
Docket No. CL-17377

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYES**

FORT WORTH AND DENVER RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6394) that:

1. Carrier's dismissal of Mr. John W. Rogers is unreasonable and unjust.
2. Carrier shall now return Mr. Rogers to service and compensate him for all time lost, retroactive to October 18, 1966.

OPINION OF BOARD: This is a discipline case. The Board's jurisdiction in such cases is spelled out in Award No. 13179:

"In discipline cases the Board sits as an appellate forum. As such our function is confined to determining whether: (1) Claimant was afforded a fair and impartial hearing; (2) the finding of guilty as charged is supported by substantial evidence; and (3) the discipline imposed is reasonable.

We do not weigh the evidence de novo. If there is material and relevant evidence, which if believed by the trier of the facts, supports the finding of guilt, we must affirm the finding."

We are satisfied from our review of the record that: (1) Claimant was afforded due process; (2) there is substantial evidence to support Carrier's finding of guilty as charged; and (3) the discipline imposed was reasonable. We, therefore, must deny the Claim.

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 by the Carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of June 1968.