



Award Number 17781

Docket Number MW-18428

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
LOUISVILLE AND NASHVILLE RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

- (1) The dismissal of Bridgetender G. P. Russell effective on November 22, 1968, was without just and sufficient cause and was wholly disproportionate to the charge placed against him. (System file 1-12/D-102051 E-306-18).
- (2) Bridgetender G. P. Russell be reinstated with seniority and all other rights unimpaired and that he be compensated for all wage loss suffered, including holiday and overtime pay, all in accordance with Rule 27(f).

OPINION OF BOARD: The Claimant was dismissed from the service of the Carrier on November 22, 1968, for leaving his assignment as draw-bridge tender, with hours 3:00 p.m. to 11:00 p.m., prior to quitting time on October 24, 1968.

The Board has carefully reviewed the entire record in the dispute, and finds that none of Claimant's substantive rights under the Agreement were violated. There was substantial evidence presented at the investigation to support the charge against the Claimant and disciplinary action was warranted. However, in view of Claimant's length of service with the Carrier, a little over forty years, the Board considers permanent dismissal from the service to be excessive, and concludes that Claimant should be restored to service with seniority and other rights unimpaired, but without pay for time lost while out of service.

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 discipline imposed was excessive.

A W A R D

Claim sustained to the extent indicated in the Opinion and Findings.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 18th day of March 1970.