



Award Number 17903

Docket Number CL-18518

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**

PACIFIC FRUIT EXPRESS COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6717) that:

- (a) The Pacific Fruit Express Company unjustly dismissed Mr. V. H. Gregg from service on June 24, 1969; and,
- (b) The Pacific Fruit Express Company shall now be required to reinstate Mr. Gregg with seniority, vacation and other rights unimpaired, and with compensation for all time lost until restored to service.

OPINION OF BOARD: On June 3, 1969, Carrier served numerous charges upon Claimant which included the following:

"You are hereby notified to be present at office of Plant Manager Wallis at Ogden Ice Plant, Ogden, Utah at 9 A.M. on Friday June 6th, 1969 for formal investigation of charges that you have held employment status and worked for the American Refrigerator Transit Co., and are currently employed by Fruit Growers Express Co., both direct competitors of Pacific Fruit Express Company which outside employment on your part may involve violation of General Rule H reading 'Engaging in other work or business is not permitted. Exceptions to this rule may in some cases be made, but only on prior approval of head of department.'"

We find that Claimant was afforded due process, had knowledge of General Rule H, prohibiting Carrier's employes from working with any of Carrier's competitors, and was, indeed, concurrently employed by Fruit Growers Express Co., one of Carrier's competitors, as well as by Carrier. He admitted to same. (NOTE: There is an exception to Rule H not material herein in that it was not complied with in the manner prescribed.)

We find that the record contains substantial evidence that Claimant violated General Rule "H;" and, Carrier's assessment of discipline—dismissal from service, was reasonable.

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;