



Award Number 17946

Docket Number CL-18383

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

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

PENN CENTRAL COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6633) that:

1. Carrier violated the Clerks' Agreement in its dismissal of Mr. J. L. Passanello, Bridge Foreman, 72nd Street, New York, N. Y., effective February 18, 1968.
2. Mr. J. L. Passanello be reinstated without loss of seniority, his record cleared and that he be compensated for all loss in wages.

OPINION OF BOARD: Careful consideration of the record discloses that Claimant was provided a fair and impartial hearing in accord with Agreement rule. Although Claimant declined to testify at the investigation because of the pendency of charges in civil proceedings the testimony of others discloses that Carrier's evidence was substantial and sufficient to support the finding of guilty. The claim must be 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 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 Agreement was not violated.