



Award No. 18506
Docket No. CL-18912

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

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

DETROIT, TOLEDO AND IRONTON RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6814) that:

1. The Carrier violated the Clerks' Agreement when on November 15, 1968, it summarily dismissed Richard L. Collins, Dearborn, Michigan, from service effective the date of his suspension from service November 1, 1968, without just cause, and

2. Per Diem Clerk, R. L. Collins, shall now be reinstated to service of the Carrier with seniority and all other rights unimpaired, and

3. Carrier shall now restore Clerk Collins to service, and

4. Carrier shall compensate Clerk Collins one day's pay for each day lost beginning November 1, 1968, and continuous until such time as Clerk Collins is restored to service.

OPINION OF BOARD: Claimant was suspended from Carrier's service on November 1, 1968, and following formal investigation conducted on November 11, 1968, was notified of his dismissal on November 15, 1968, for chronic absenteeism and failure to perform assigned duties properly.

A transcript of the investigation conducted on November 11, 1968, has been made a part of the record. There was substantial evidence to support the charges against the Claimant, and, considering Claimant's prior record, there is no basis for finding that Carrier's action was arbitrary, capricious or in bad faith. We will, therefore, 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 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.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of April 1971.