

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19299  
Docket Number MW-19581

Joseph E. Cole, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(The Atchison, Topeka and Santa Fe Railway Company  
( - Coast Lines -

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

(1) The dismissal of B&B Foreman J. L. Wells was without just and sufficient cause and on the basis of unproven charges (System file 130-187-31).

(2) B&B Foreman J. L. Wells be reinstated with seniority and all other rights unimpaired and that he be compensated for all wage loss suffered in accordance with Section 6 of Article VI.

OPINION OF BOARD: 1. After carefully examining the transcript we find that the hearing was conducted properly.

2. All substantive procedural requirements in the agreement have been met.

3. There was abundant evidence in the transcript to sustain a finding of serious wrongdoing by the claimant.

4. The discipline was within the province of the Carrier and the discipline assessed was not excessive.

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 Employes involved in this dispute are respectively Carrier and Employes 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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

G. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1972.