

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20679
Docket Number CIX-20751

William M. Edgett, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(station **Employees**

PARTIES TO DISPUTE: (
(**REA** Express, Inc.

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-7583) that:

1. The Agreement between the parties was violated when **employee Ronnie Sobbe** was dismissed from service on October 27, 1972 without just cause, and was further violated when he was denied a fair and impartial hearing on appeal; and
2. **REA** Express shall reinstate Ronnie **Sobbe** to service with full seniority rights and benefits; and
3. Claimant shall **have his record** cleared of all charges and paid for all time lost from October 27, 1972 to **date he** is reinstated; and
4. **REA** Express shall pay Claimant interest at the statutory rate for the State of Illinois for any amounts due under (3) hereof.

OPINION OF BOARD: In the handling of this claim on the property and before the Board, **REA** Express argued that because Claimant had been in its service less than 60 days and his application had not been approved his **employment** relationship could be terminated without benefit of investigation as provided under **Rule 11 (a)**. **REA** further argued that the fact that it held an investigation under **Rule 11 (a)** to determine cause and responsibility for the vehicle accident did not constructively waive its right to disapprove Claimant's application for employment, even after the determination at the investigation that **Claimant** was guilty of the charges placed against him and his dismissal from the service of **REA**.

We do not think that the investigation and **REA's** dismissal of **Claimant** for cause within his first 60 days' employment erases the right of **REA** to approve or disapprove **Claimant's** application under **Rule 15 (a)** of the Agreement. The fact that Claimant's **application** for employment was disapproved following the conclusion of the investigation effectively moots any **claim** that Claimant may have for re-employment.

The claim will 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulos
Executive Secretary

Dated at Chicago, **Illinois**, this 17th day of April 1975.