

NATIONAL **RAILROAD** ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20683
Docket Number CL-20865

William M. Edgett, Referee

(Brotherhood of Railway, Airline and Steamship
{ Clerks, Freight Handlers, Express and
{ Station **Employees**
PARTIES TO DISPUTE: {
(Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of System Board of Adjustment No. 218 (GL-7706)
on the Lake Region, Norfolk and Western Railway Com-
pany, that:

1. Carrier violated the Agreement between the Parties when on
February 5, 1974, they arbitrarily and capriciously dismissed **Mr. V. T.
Tarrant.**

2. Carrier's action was unjust, unreasonable and an abuse of
Carrier's discretion.

3. Carrier shall now reinstate Mr. **Tarrant** with all rights
and privileges unimpaired and paid for all lost time.

OPINION OF BOARD: Claimant was dismissed from Carrier's service after
an investigation which showed that he had failed to
protect his assignment on January 19 and 20, 1974. In his eighteen months'
service Claimant had been disciplined on five other occasions for the same
offense. The record shows that he was excused on Friday January 18 with
the understanding that he would either come in on the 19th or call in ad-
vance if he could not do so. Claimant did not do what he said he would do
and offered no explanation for that failure.

Carrier conducted the investigation in the manner provided by
the Rules and made a finding of guilty on the basis of **uncontroverted**
evidence. The Board will not disturb that finding.

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;

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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.