

NATiONAL RAILROAD **ADJUSTMENT** BOARD

**THIRD** DIVISION

Award **Number 20849**  
Docket Number MU-21048

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance **of Way Employes**  
(  
(Chicago and North Western **Transportation**  
( **Company**

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

(1) **The dismissal** of Messrs. **J. M. Rodriguez** and **J. I. Martinez** for aileged "theft or possession of lost or misplaced property" **was** capricious, arbitrary, without just and sufficient cause and on the basis of unproven charges (System Files D-11-17-68 and D-11-17-69).

(2) Messrs. **J. M. Rogriquez** and **J. I. Martinez** be **rein-**stated with seniority, vacation and all other rights unimpaired; the charges against them be stricken from their respective records; they be compensated for all wage loss suffered, all in accordance with Rule 22(e).

OPINION OF BOARD: We find the Carrier met its burden of proving by substantial evidence a finding of guilt in this instance.

We further find that Carrier's action in assessing the discipline of dismissal was not unreasonable or arbitrary, considering the seriousness of the charges.

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 Employee involved in this **dis-**purr **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

Agreement not violated.

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Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**

By Order of Third Division

ATTEST:

*G. W. Paulson*  
**Executive** Secretary

Dated at Chicago, Illinois this **24th** day of October **1975**.