

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20850
Docket Number MW-21051

Francis X. Quinn, Referee

PASTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employes
(Houston Belt & Terminal Railway Company

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

(1) The dismissal of Section Laborer Juan E. **Guerrero was** without Just and sufficient cause.

(2) Claimant Juan E. Guerrero be reinstated with seniority and vacation rights unimpaired; the charges against him be stricken **from** his record and he be compensated for all monetary loss suffered, all in accordance with Rule **12-(C)**.

OPINION OF BOARD: A review of the record raises the question "Who was the protagonist?" Nevertheless the Claimant must bear the responsibility of his actions.

The Carrier seems to have recognized dismissal was excessive, considering the circumstances. Therefore, we will reinstate Claimant with all **rights unimpaired, but** without back pay.

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

That the **Agreement** was violated.

A W A R D

Claim sustained to the extent and in the manner set forth in Opinion.

ATTEST:



NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

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