

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number **20890**
Docket Number MW-21080

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employes**
(St. Louis-San Francisco Railway Company

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

(1) The dismissal of Track Laborer Carl **Reed** on July 8, 1974 was without just and sufficient cause and extremely disproportionate to the offense which he allegedly **committed** (System File B-1332).

(2) Track Laborer Carl **Reed** shall be reinstated to service with seniority, vacation and all other rights unimpaired and with pay for all **time** lost, all in accordance with Article **4, Rule 1(d)**.

OPINION OF BOARD: There is evidence in the record of the hearing on the property that Claimant **Reed** failed to comply with the instructions of his supervisor. Claimant was afforded a fair and impartial hearing. In view of his short length of service and prior discipline, we cannot say that Carrier abused its discretion in taking dismissal action.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third Division

ATTEST:

A. W. Pauloz
Executive Secretary

Dated at Chicago, Illinois, this 12th **day** of December 1975.