

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **20923**
Docket Number SG-21003

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Chicago **and** North Western Transportation **Company**)

STATEMENT OF CLAIM: Claims of the System **Committee** of the Brotherhood of Railroad Signalmen **on** the Chicago and North Western Transportation Company:

(a) **On** June 22, 1973 the carrier violated the current **Signalmen's** Agreement in effect **on** the Missouri Division of the Chicago North Western Transportation Company (formerly Chicago Great Western). particularly rule 62, **when it** dismissed **signal** maintainer T. H. Duffy from service without just **and** sufficient cause **on** basis of unproven charges. Also without conducting a fair **and** impartial investigation.

(b) Carrier **now** reinstate Mr. Duffy, to his **former signal** maintainer's position at Des Moines, Iowa with all seniority **and** all other rights unimpaired, **compensate him** for all **time** lost and expenses incurred since unjustly held from service, and clear his **personal** service record of the entire charge. **/Carrier's** file: D-9-30
-4/

OPINION OF BOARD: There is basis in the record for **disciplinary** action against the **grievant**. **Improper utilization** of **company** time and improper reporting have serious ramifications.

In view of the **grievants** years of service we **find** dismissal to be severe. Therefore we will return **grievant** to Carriers' service with seniority **and** other 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 Employee involved in this dispute are respectively Carrier and Employee 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 in part.

Award Number 20923
Docket Number SG-21003

Page 2

A W A R D

Grievant is to be returned to Carrier's service with seniority and other rights unimpaired but without back pay.

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

ATTEST: *A. W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January 1976.