

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21280

Docket Number MW-21472

John H. Dorsey, Referee

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

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

(1) The dismissal of Machine Operator M. **Kensicki** for alleged "violation of Rule 'G'", **was** arbitrary, without just and sufficient **cause** and on the **basis** of unproven charge8 (System File **D-11-1-303**).

(2) The **claimant shall now** be accorded the **benefits prescribed** in Agreement Rule 19(d).

OPINION OF BOARD: Claimant **was** afforded due process.

The record contains substantial evidence of probative value that Claimant was guilty of violation of **Rule G**.

The discipline imposed by Carrier -- **dismissed** from service -- was mt excessive.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, find8 **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;

That **this** Division of the Adjustment Board **has** jurisdiction over the dispute involved herein; and

That the Agreement was mt violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 12th day of November 1976.