

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21281
Docket Number MW-21494

John H. Dorsey, Referee

PARTIES TO DISPUTE: (**Brotherhood of Maintenance of Way Employees**
(**Fort Terminal Railroad Association**

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

(1) The **dismissal** of Track **Employee Victor Collins** effective **November 4, 1974** was without just and sufficient **cause** and, **as a consequence thereof**

(2) The provisions of **Agreement Rule 11 (E)** shall now be applied to **Claimant Collins**.

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

The record **contains substantial** evidence of probative value that supports Carrier's affirmative **defense** that Claimant violated Rule **45**.

The Carrier's **imposed discipline -- dismissal** from service -- **was** not excessive.

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 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** not 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.