

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21644
Docket Number MS-21783

Robert W. **Smedley**, Referee

PARTIES TO DISPUTE: (J. W. Robinson
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: Written notice is hereby served of my intention to fix **exparta** submission with your division of the board within 30 days after date of this letter. My statement of claim is as follows:

The Missouri Pacific Railroad violated the Clerks' Agreement when it dismissed me from service following formal investigation which was held October 7, 1975.

The Missouri Pacific Railroad Company shall now be required to compensate me for all losses sustained until I am returned to service.

OPINION OF BOARD: We have carefully reviewed the entire record in the dispute, including the transcript of investigation, and find that none of claimant's substantive procedural rights were violated.

There was substantial evidence **in** the investigation to show that claimant was sleeping on duty.

Considering the offense and claimant's prior record, we find no basis for disturbing the action of the Carrier.

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

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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. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.

