

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21832

Docket Number MW-21897

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: { (Brotherhood of Maintenance **of Way** **Employees**  
(**Louisville & Nashville Railroad** Company

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

(1) The dismissal of Track Repairman C. A. Carroll by letter dated August **13, 1975** was without just and sufficient cause and on the basis of unproven charges and, therefore, in violation of the first paragraph of Agreement Rule 27(f) (System File **1-9 (77)/D-106130**; E-306-9).

(2) The claimant's record **shall** be cleared of the charge of insubordination **and** he shall be reinstated **and** paid for **all** time lost as stipulated within the first paragraph of Agreement Rule 27(f).

OPINION OF BOARD: The **dispute** involves the dismissal of track repairmen **C. A. Carroll**.

We have carefully reviewed the entire transcript of the investigation. It is clear that the entire affair resulting in Claimant's removal **from** service started over insignificant issues. While Claimant was subject to discipline for his action, **permanent** dismissal was **excessive** discipline. 2

We will award that Claimant be restored to the service with seniority and other rights unimpaired, but without pay for time lost while out of service. 3

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**;

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

That permanent dismissal was excessive.

A W A R D

Claim sustained to the extent indicated in Opinion and Findings.

NATIONALRAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A.W. Paulsen*  
ExecutiveSecretary

Dated at Chicago, ~~Illinois~~, this 6th day of January 1978.

