

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21920  
Docket Number CL-21920

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(Southern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
GL-8274, that:

(2) Carrier violated the Agreement at Charlotte, North Carolina, when it dismissed Mr. H. M. Yandle, Clerk at Air Line Junction, North Carolina from the service of the Carrier for allegedly leaving his assignment as Clerk at 11:30 p.m., April 19, 1976 without permission or authority.

(b) Carrier shall be required to compensate Mr. H. M. Yandle for all time lost including any overtime he may have stood for, at the rate of his assignment, beginning April 29, 1975, and continuing until he is restored to the service of the Carrier with seniority 2nd all rights unimpaired.

OPINION OF BOARD: Claimant was dismissed from service for leaving his assignment without permission or authority. This occurred shortly after the start of the work assignment. Claimant, at the time and later, had no acceptable explanation for his sudden unexcused departure.

A full, fair and impartial investigative hearing was conducted by the Carrier. Nothing in the testimony developed at the hearing nor in the factual background gives rise to any reason for this Board to question the Carrier's disciplinary action.

While the penalty invoked was of the most severe nature, the Carrier properly considered past similar offenses in the Claimant's work record in guiding its dismissal action.

FINDINGS : The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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:

A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1978.

