

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21985
Docket Number MW-21929

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(Consolidated **Rail** Corporation
((Former Penn Central Transportation **Company**)

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

(1) The dismissal of **Trackman Lawrence R. Devereaux** on December 27, 1974 was without just and sufficient cause and on the basis of unproven charges.

(2) The charge shall be stricken from the claimant's record and he shall be reinstated and compensated for the net wage loss suffered by him as stipulated within Agreement Rule **34(d)**.

OPINION OF BOARD: Claimant **was** dismissed from service on December 27, 1974, on the basis of three separate charges involving his attendance record; an altercation with a fellow **employee**; and insubordination to a supervisor.

Carrier conducted separate hearings on each of the charges. Each hearing afforded the Claimant opportunity to present his defense, and the hearings were conducted according to the procedure specified in the Agreement between the Organization and the Carrier.

In determining the degree of disciplinary penalty, the Carrier took into account the Claimant's record of previous disciplinary action for similar offenses.

There is nothing in the hearing record to suggest that the Board should interfere in any **way** with the Carrier's decision to dismiss the Claimant from service, nor would a review here of the details of each charge be purposeful.

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;

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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 31st day of March 1978.

