

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22048  
Docket Number MW-22135

Robert A. **Franden**, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way Employes  
(National Railroad Passenger Corporation

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

(1) The suspension of thirty (30) days imposed upon Truck Driver M. **G. VanLandingham** for alleged violation of Rule 'J' and his dismissal for alleged violation of Rules '**V**', 'H', and 'I' were without just and sufficient cause and on the basis of unproven charges.

(2) Truck Driver M. G. **VanLandingham** be reinstated with seniority, vacation and all other rights unimpaired, his record be cleared and he be compensated for all wage loss suffered.

OPINION OF BOARD: Pursuant to notice and investigation properly held Claimant was suspended from the service of the Carrier for 30 days for violating Amtrak rules of conduct I and J. For violations of Rules V, H and I **Claimant** was dismissed from service. Rule I deals with insubordination, **Rule J** with conduct among **employees**, Rule V with the use of the Company's credit and care of found property and Rule H with caring for Company property.

We have examined the record and carefully reviewed the transcript of the investigation. We find that the evidence presented supported the charges made and that the suspension and dismissal were warranted. The Claimant's verbal altercation with his foreman, his failure to follow instructions and use of the company account to purchase a battery **were** well **substantiated**. We find no reason to disturb the discipline.

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 Employes involved in this dispute are respectively Carrier and Employes 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 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 12th day of May 1978.

