

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22138
Docket Number SG-22180

David P. Twomey, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(The Chicago, Rock Island and Pacific Railroad
(Company (William M. Gibbons, Trustee)

STATEMENT OF CLAIM: "Claim of the **General Committee** of the Brotherhood of Railroad **Signalmen** on the Chicago, Rock Island and Pacific Railroad Company:

(a) On October 21, ~~November~~ 12, and 18, 1976 the carrier violated ~~the~~ current **Signalmen's** Agreement, particularly rule 64 during the investigation of signal maintainer Mr. W. R. Honey, and subsequent discipline assessed to him.

(b) Carrier ~~now~~ be required to reinstate Mr. Money to his former Signal Maintainers position at Brinkley, Ark., ~~with~~ all seniority and ~~other~~ rights unimpaired, compensate him for all time lost, and clear his personal record of the entire charge."

General Chairman file: AV-0253. Carrier file: L-130-6127

OPINION OF BOARD: By letter dated October 13, 1976, the Carrier's Superintendent notified the Claimant, Signal Maintainer W. R. Money, to attend an investigation concerning the following:

" , . . to develop ~~the~~ facts, discwer the cause and **determine** your responsibility, if **any**, in **connection** with **report** received by me October 12, 1976, that between Nwember, 1975, and February, 1976, that you sold Company scrap without proper authorization while you were Signal Maintainer at Brinkley, Arkansas, in violation of Rules B, **K**, N of **G-147 Revised**; Rules B, **K**, N of Rules and Regulations of **Mtce.** of Way and Structures; Rules B, **K**, N of Uniform Code of Operating Rules and any other violations of operating rules or special instructions in connection therewith."

The investigation was held on October 21, and November 12, 1976. By letter dated **November** 18, 1976, the Claimant was notified that as a result of the investigation he was dismissed from **the** service of the Carrier.

We find that the Claimant received a proper charge under **Rule** 64 of the existing Agreement and **that** the investigation was held within the time limits of that role. We find **that** the Claimant had full opportunity to present his case as he and his representatives saw fit, and to cross-examine witnesses. We find that there is substantial evidence of record to support the Carrier's **finding** that the Claimant was responsible for violating Rules B, **K** and N of the Rules and Regulations of Maintenance of Way and Structures and the **Uniform** Code of Operating Rules. We find no evidence of record that the Claimant was singled out or selected out for discipline. We find that the discipline of dismissal is neither arbitrary, capricious nor excessive. We **shall** deny the claim.

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;

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 30th day of **June** 1978.