

NATIONAL RAILROAD **ADJUSTMENT** BOARD

**THIRD** DIVISION

Award Number **22360**  
Docket Number w-22375

William M. Edgett, Referee

(Brotherhood of Maintenance of Way Employes  
**PARTIES TO DISPUTE:** ( (Louisville and Nashville Railroad Company

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

(1) The dismissal of Welder G. N. Ball and of Welder Helper C. R. Smith was without just and sufficient cause and was arbitrarily and capriciously imposed (System File 1-16 (33)/E-306-12).

(2) Claimants Ball and Smith shall be reinstated to service in the welding department with seniority rights unimpaired and with pay for all **time** lost."

**OPINION OF BOARD:** Claimants were both found guilty of failing to carry out the proper instructions of their foreman on March 29, 1976, and also with being absent without proper leave during March 1976.

Based upon the entire record of this case the Board has concluded that claimants should now be reinstated, but without pay for time lost.

**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 Employes involved in this dispute are respectively Carrier and Employes 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

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That claimants should be reinstated.

A W A R D

Carrier is directed to reinstate claimants, with full seniority, but without pay for ~~time~~ lost.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*A.W. Paulis*  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of March 1979.

