

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number **22361**
Docket Number **MW-22441**

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(New Orleans Public Belt Railroad

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

(1) The dismissal of Painter **J. R. Pennington** was arbitrary, unreasonable, capricious and extremely disproportionate to the offense with which charged (System File 013.7).

(2) Painter J. R. **Pennington** shall be reinstated to his former position with full compensation for all time lost with seniority, vacation, and insurance coverage and all other rights unimpaired."

OPINION OF BOARD: Claimant was dismissed for leaving the job site. **He** had previously been cautioned that he would be subject to discipline if he persisted in leaving the job without permission.

At the hearing **claimant** recognized **that** he had violated the rules. The record shows that he understood that compliance with the Rule was required, and that he agreed to comply **if he** were restored to Carrier's service. The Board is persuaded that claimant should have the chance that he seeks. **He** clearly understands that Carrier will again take disciplinary action if he continues to disregard his obligations to adhere to the Rules.

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

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That claimant should be reinstated.

A W A R D

with Carrier is directed to restore claimant to its service,
full seniority, but without pay for ~~time~~ lost.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Pauls*
Executive Secretary

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

