

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22529
Docket Number M-22715

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(St. Louis-San Francisco Railway **Company**)

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

(1) The dismissal of **Trackman-Driver** Stephen G. **Grantham** was without just and sufficient cause and exceedingly disproportionate to the offense with which charged (System File B-1496-1).

(2) Claimant **Grantham** shall be reinstated to service and extended **all** other benefits **and** remedies prescribed in Rule **91(b)(6).**"

OPINION OF BOARD: Claimant entered Carrier's service August 5, 1974, and was last **assigned** to Track **Gang No. 113.** Olathe, Kansas. On September 14, **1977**, the members of **the** gang were instructed by the foreman to report for work at **6:00** A.M., on September 15, due to an emergency condition existing on the main line caused by a washout.,

Claimant did not report for **work on** September 15. **He** was dismissed from the service by the foreman, At the request of the Organization a **formal** investigation was conducted on September 28, 1977, and claimant's dismissal was confirmed on October 3, 1977.

Based on our careful review of the entire record, including the transcript **of the** investigation conducted on September 28, 1977, we find no proper basis for interfering with the discipline imposed. Claimant had been suspended for two days in June, **1977**, for a similar offense, i. e., absenting himself from duty without proper authority. Apparently the discipline previously administered did not serve its intended **purpose.**

The claim will be denied.

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:

C. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1979.