

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **22561**
Docket Number **CL-22713**

Paul C. Carter, Referee

PARTIES TO DISPUTE: (**Brotherhood of Railway, Airline and**
(**Steamship Clerks, Freight Handlers**
(**Express and Station Employees**
(**Missouri-Kansas-Texas Railroad Company**

STATEMENT OF CLAIM: Claim of the System **Committee** of the **Brotherhood**
(GL-8695) that:

(1) **Carrier** violated the rules of the current **Agreement** between the parties; including but not limited to Rules 26 and 27 of **DP-451** when it arbitrarily and capriciously dismissed Mr. R. L. Goodwin from its **service** on August 9, 1977.

(2) **Carrier** shall reinstate Claimant to its service and shall **compensate him for all time lost including any overtime he could have** worked in line with **his** seniority, **and shall clear his record of all** charges and shall **restore his** seniority, vacation and other **employee rights unimpaired.**

OPINION OF BOARD: **Claimant** was dismissed from **Carrier's** service on August 9, 1977, in connection with the posting of an **unauthorized notice on Carrier's bulletin boards.** Investigation was requested under the **provisions** of Rule 27 of the applicable agreement, **By agreement the date for the investigation was extended to September 14, 1977, and was conducted on that date.** A **copy** of the transcript of the investigation has been made a part of the record.

The Board has carefully reviewed the entire record, including the transcript of the investigation. We find that **none of claimant's substantive procedural rights** was violated.

There was substantial **evidence** presented at the investigation to support the **Carrier's** action. There is **no proper basis for the Board** to interfere with the discipline imposed. 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;** end

That the Agreement wasnotviolated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST::


Executive Secretary

Dated at Chicago, Illinois, this 16th **day** of October 1979.

