

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22739
Docket Number CL-22744

Paul C. carter, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(**Express** and Station **Employees**

PARTIES TO DISPUTE: (.

(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8666) that:

(1) Carrier failed to adhere to the Agreement between the Parties when, **on** the date of February 9, 1978, Report Clerk **R. T.** Sieger, was improperly assessed discipline of dismissal from Carrier's service, and

(2) Carrier as a result thereof, shall now restore Mr. **R. T.** Sieger to service and compensate him for time lost **beginning** February 9, 1978 and each subsequent date until he is restored to Carrier's service.

OPINION OF BOARD: Claimant, with about seven years of service, was third shift Report Clerk in Carrier's Trainmaster's office at Cincinnati, Ohio. On January 18, 1978, he was notified:

"Arrange to attend investigation in the Office of the Assistant Superintendent, 2815 Spring **Grove** Avenue, Cincinnati, Ohio at 9:00 A.M., Monday, January 23, 1978.

You are charged with submitting falsified doctor certificates dated October 6, 1977, December 20, 1977 and January 16, 1978 in order to collect sick time payment for **October** 2, 1977, December 20, 1977 and January 16, 1978.

Arrange for any representation and/or witnesses you may desire."

The investigation was postponed, by agreement, and *conducted on* **January** 25, 1978. Following the **investigation**, claimant was notified of his dismissal from service effective February 9, 1978. A copy of the transcript of the investigation has been made a part of the record.

The Board has carefully reviewed the entire record and finds that none of claimant's substantive procedural rights was violated. There was substantial evidence adduced at the *investigation*, including claimant's

admissions, in support of the charge against claimant and Carrier's action in imposing the discipline that it did. There is no proper basis for the Board to interfere with the discipline imposed.

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
Execu tive Secretary

Dated at Chicago, Illinois, this 29th day of February 1980.

