

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22740
Docket Number m-22765

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employes**
(The Denver and Rio **Grande** Western Railroad Company

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

(1) The dismissal of Section Laborer **G. G. Lewis** was without just and sufficient cause and was capriciously imposed (System File D-38-77/**MW-1-78**).

(2) Section Laborer G. G. Lewis shall be reinstated to service with seniority **and** all other rights unimpaired **and** be reimbursed for **all** wage loss suffered, all in conformance with Agreement **Rule 28.**"

OPINION OF BOARD: **Claimant**, a section laborer, was notified **on**
October 15, 1977, to attend **formal** investigation **on**
October 20, 1977:

"to develop facts and place responsibility, if any,
in connection with Gregory G. Lewis' alleged falsification
of reports, physician's release and facts concerning
personal injury when absenting himself from duty Friday
and Monday, October 7 and 10, 1977."

The investigation was conducted as scheduled, with the claimant present and represented by the Local **Chairman** of **the** Organization. **On** October 21, 1977, claimant was notified of his dismissal from service.

A copy of the transcript of the investigation conducted **on** October 20, 1977, **has** been made a part of the record. A careful review of the transcript of the *investigation and* the submission of the parties shows that none of **claimant's substantive** procedural rights was violated. *There was* **substantial** evidence adduced at the investigation, including the admission of the claimant, in support of the charge, There is no proper basis for this Board to interfere with the discipline imposed by the Carrier.

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

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
Executive Secretary

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

