

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **23237**  
Docket Number **CL-23396**

Paul C. Carter, Referee

**PARTIES TO DISPUTE:**

(Brotherhood of Railway, Airline and **Steamship** Clerks,  
( Freight Handlers, Express and Station Employee  
(  
(Chicago and North Western Transportation Company

**STATEMENT OF CLAIM:**

Claim of the System **Committee** of the Brotherhood (**GL-9275**)  
that:

1. Carrier violated the term of the parties' agreement, particularly **Rule** 21, when it dismissed from its service Mr. Lester Powell, Clerk at Wood Street Station, account of **investigation** held on **May** 4, 1979, and

2. Carrier shall **reinstate** Mr. Lester Powell with all rights unimpaired, **and** to **make him** whole compensation wise for all time lost, including costs to him for fringe **benefits** while held out of service.

**OPINION OF BOARD:**

Following investigation conducted on **May** 4, 1979, claimant was dismissed from service by letter dated May 11, 1979, for failure to comply with Rule 7 of the General Regulations and Safety **Rules**.

Claimant's personal record, which is far from satisfactory, has been made a part of the record before the Board. **In** view of claimant's personal record and **his** clear culpability in his involvement in the shoving match with the Agent, the Board is not inclined to upset the discipline imposed.

In arriving at our decision on the merits of the dispute, the Board does not **rule** on the procedural arguments raised by either party.

**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 Employee involved in this dispute are respectively Carrier **and** Employee within the **meaning** of the **Railway** labor Act, a\* 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. Paulson*  
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of March **1981**.

