

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Eckehard Muessig, Referee

Award Number 24685

Docket Number MW-24814

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employes**
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

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

(1) The dismissal of Track Laborer Francisco **Moreno** for allegedly leaving his work site on April 29, 1981 without proper authority was without just and sufficient cause and on the basis of unproven charges (System File **C#12/D-2506**).

(2) The claimant shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: Shortly after 12:00 p.m. on April 29, 1981, the Claimant herein, a **Trackman**, left his work site after representatives of the Immigration **Department** arrived on the property. There is no dispute on this point; however, there are divergent accounts with respect to whether the Claimant received permission from his Supervisor to leave the Carrier's property.

Following the incident, the Claimant was provided notice by the Carrier that he had voluntarily left the service of the Carrier without authority, and hereby forfeited his seniority in accordance with Scheduled Rules 16 and 17.

The Board finds, on the facts and circumstances of the record before it, that the Claimant left the property without proper authority and by so doing forfeited his seniority in accordance with the above-cited Rules.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest::


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 24th day of February, 1984

