

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25023  
Docket Number CL-24952

Eckehard Muessig, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Railway, Airline and Steamship Clerks  
(Southern Pacific Transportation Company (Eastern Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9744) that:

(1) Carrier violated the Rules of the current Agreement between the parties when it arbitrarily and capriciously discharged Clerk **H. F. Wilson, Avondale**, Louisiana, from its service on May 26, 1982 without just and sufficient cause.

(2) Carrier shall be required to expunge Claimant's records of all charges brought against him on May 26, 1982.

(3) Carrier shall reinstate Claimant to its service with his seniority, vacation, insurance and all other **employee** rights restored unimpaired and compensate him for all time lost.

OPINION OF BOARD: After investigation, the Claimant herein was found guilty by the Carrier of being dishonest, in that it concluded that he attempted to lay off sick, while he was confined to prison incarcerated. Additionally, the Carrier found him guilty of continued failure to protect his employment.

Certainly, the Organization arguments as brought forth in the record are understood and are not without merit. However, after a review of the voluminous **record** before it, the Board finds it has no basis to disturb the finding of the Carrier **or** the resultant penalty assessed. Accordingly, the claim is 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 **Employee** 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. Defer - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September 1984.

