

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 37391
Docket No. SG-38110
05-3-03-3-554

The Third Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Canadian National Railway (Grand Trunk Division))

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Canadian National (formerly Grand Trunk Western):

Claim on behalf of E. Edgerson, for immediate reinstatement to service with reimbursement for all lost time, including overtime, with his seniority restored and unimpaired, account Carrier violated the current Signalmen's Agreement, particularly Rule 42, when it failed to provide the Claimant with a fair and impartial investigation evident when Carrier issued the harsh and excessive discipline of dismissal against the Claimant without proving its charges in connection with an investigation held January 8, 2003. Carrier's File No. 8390-1-145. General Chairman's File No. 03-07-GTW. BRS File Case No. 12719-GTW."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Eric Edgeron was hired by the railroad in the Signal Department on April 20, 1998. At the time of the incident giving rise to the claim, he held the position of Signal Maintainer headquartered at Battle Creek, Michigan. The record indicates that on June 22, 2002, the Claimant purposely collided with a friend's vehicle, and then became belligerent with Battle Creek police. During his arrest, the Claimant was found to have cocaine in his vehicle and was charged on June 23, 2002, with malicious destruction of property and possession of a controlled substance. The Carrier investigated and concluded that discipline was in order. On January 23, 2003, he was discharged for violation of US Operating Rules G and I. The record establishes that the Claimant was dishonest and deceptive by providing false information. The Carrier had cause to discharge the Claimant. See Public Law Board No. 6345, Award 3 and Second Division Award 9331.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 24th day of February 2005.