

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Joseph L. Miller, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

BANGOR & AROOSTOOK RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Bangor and Aroostook Railroad Company that:

1. The Carrier acted capriciously, arbitrarily and without regard to circumstances when, on March 12, 1946, it summarily dismissed Harvey E. Colson, first trick operator-clerk, Caribou, Maine, from its services;
2. Operator-clerk Harvey E. Colson shall be returned to service on his former position and paid for all time lost from said former position, and with seniority unimpaired; and,
3. Any and all employees reverting to former positions resulting from Item 2 shall be allowed expenses therefor plus any wage losses.

OPINION OF BOARD: The Carrier in this case discharged Harvey E. Colson, first trick operator at Caribou, Maine, on March 12, 1946, after Colson had walked off his job, leaving it unprotected, without notice to any of his superiors.

In compliance with the Agreement, the Carrier later gave Colson a hearing, but confirmed the dismissal.

The Organization maintains that the discharge was "capricious, arbitrary and without regard to circumstances," and claims Colson should be reinstated with back-pay.

We see no point in reviewing in this opinion all the testimony before us. Without doubt Colson was a sick man at the time he left his job. He was a veteran employee. He took the time to see that nothing disastrous would happen while his job was unprotected. If the management had seen fit, it might have made these facts mitigating in passing final judgment on Colson. It did not see fit to do so, however, and it certainly had "just cause" for Colson's discharge when he deserted his post of responsibility.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees 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 there was no violation of the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 3rd day of November, 1947.