

Award No. 8228

Docket No. MS-10030

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

GREAT NORTHERN RAILWAY COMPANY

E. H. SJAASTAD

STATEMENT OF CLAIM: Claim of the Great Northern Railway Company that its action in dismissing Telegrapher E. H. Sjaastad from its service on May 5, 1953, for his failures and neglect in the performance of his duties as ticket clerk and telegrapher in the carrier's passenger station at Minot, North Dakota is not in violation of any negotiated rule or agreement.

OPINION OF BOARD: This dispute, under the above statements of claim and facts, was referred to this Division by petition of the Carrier in accordance with provisions of Section 3, First (i) of the Railway Labor Act, as amended, and Circular No. 1 of the National Railroad Adjustment Board.

Respondent was duly notified to present his submission, as required by the law and rules of procedure mentioned above. Respondent, however, declined to file a submission or to answer in any other manner the petitioner's allegations, although opportunity was afforded him to appear at the oral hearing of this case which was held on January 27, 1958 in the usual manner.

This award is, therefore, necessarily based upon the facts and evidence submitted by petitioner and the agreement governing wages and working conditions found to exist and be controlling. Accordingly, the claim of the Carrier will be sustained. See Awards 2086, 2087, 2110 of the First Division.

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 Employee 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, as set forth in the Opinion, the Carrier did not violate the Agreement.

AWARD

Carrier's action in discharging E. H. Sjaastad from its service is sustained as per Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January, 1958.