

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Dwyer W. Shugrue, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

SEABOARD AIR LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Seaboard Air Line Railroad:

1. That the Carrier arbitrarily and without investigation or reason dismissed Mr. L. W. Wages, Jr., on October 29, 1951, without giving him opportunity to defend himself through investigation or otherwise.
2. That Mr. Wages be restored to the service of the Carrier with seniority and all other rights unimpaired and paid at the proper rate for all wages lost from October 29, 1951 until restored to service.

OPINION OF BOARD: To resolve this dispute we have but one question before us—whether or not the Carrier acted arbitrarily in dismissing claimant on October 29, 1951. The investigation referred to in the claim, pursuant to Rule 42 of the effective Agreement, was afforded the claimant on January 15, 1952. There was no requirement for prior investigation or hearing before the imposition of discipline if written notice of the cause was given, and that this was given is not disputed.

A careful review of the entire record in this case reveals that claimant was provided with a fair and timely investigation, with opportunity to defend himself, in accordance with applicable rules, and that there was substantial evidence developed at the investigation to support Carrier's conclusion and to justify disciplinary action in dismissing him from service. The record presents no facts that would indicate arbitrary, capricious or unreasonable action on the part of the Carrier, either in its determination of claimant's guilt or in the measure of discipline assessed therefor.

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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 20th day of May, 1958.