

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

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PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYEES

THE BALTIMORE AND OHIO RAILROAD COMPANY

**STATEMENT OF CLAIM:** The Baltimore and Ohio Railroad Company violated the current working agreement between the United Transport Service Employees and the Baltimore and Ohio Railroad Company when they dismissed Waiter Savoy N. Sherrill from service.

Further, Carrier's action was unjust, unreasonable, arbitrary and in abuse of the Company's discretion.

We request that Carrier now reinstate Waiter Savoy N. Sherrill to his former position with all rights and privileges unimpaired, and further, that he be compensated for all time lost.

**OPINION OF BOARD:** We have carefully examined the docket in this case and can find no evidence to support the claim.

We will, therefore, follow that line of decisions of this Board which hold that we will not substitute our judgment for that of management in cases of this kind in the absence of any showing that Carrier acted in an arbitrary or capricious manner in exercising its functions.

The claim will be denied.

**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 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 13th day of November, 1958.