

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Thomas C. Begley, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Illinois Central Railroad Company that:

(a) The Carrier violated the Signalmen's Agreement, as amended, (particularly Sections 73, 74, 75, 77, 78, and 80), when it arbitrarily charged Signal Maintainer R. B. Stephens with falsifying his labor report for January 17, 1957, which charges were proven to be fully unwarranted and unjustified at the investigation held on February 1, 1957, and during the investigation, strictly in abuse of its discretion, the Carrier reviewed the claimant's past service record, which charges were not placed against him by the Carrier in its letter of January 28, 1957. The Carrier further violated the agreement when it arbitrarily and capriciously discharged the claimant from the service of the Carrier after having failed to establish conclusive proof that the claimant was guilty of the charges or that he planned to deceive the Carrier, and after his discharge, denied him the rights accorded under the agreement to a fair and impartial hearing before the Carrier's officers on appeals.

(b) The Carrier now strike the charges from the record of R. B. Stephens and reinstate him, with all seniority and rights unimpaired, and allow him payment for the working hours lost while out of service, at the Signal Maintainer's pro rata rate of pay in accordance with the provisions of Section 80 of the agreement. [Carrier's file No. 135-296-61 Mfs. Div., Case No. 27 Sig.]

OPINION OF BOARD: Upon the evidence of record in this case, the Board finds; that the claimant was given a fair and impartial investigation; that the claimant was guilty of the charge preferred against him; that Carrier's action in dismissing claimant from its service was justified. Therefore, the action of the Carrier will not be disturbed.

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

That the parties to this dispute waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 Carrier's dismissal of claimant from service should not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 12th day of February, 1960.