

Award No. 10291

Docket No. SG-10003

NATIONAL RAILROAD ADJUSTMENT BOARD

**THIRD DIVISION
(Supplemental)**

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Chicago, Rock Island and Pacific Railroad Company that:

(a) In a letter dated October 7, 1956, the Carrier arbitrarily, capriciously, wholly without just cause, and in violation of the agreed-to practices, Carrier letters of instructions, and the Signalmen's Agreement, strictly in abuse of its discretion, charged Signal Maintainers W. R. Nitsche and F. J. Armer, whose headquarters are at Guymon, Oklahoma, with violation of Rule N of the Carrier's Rules and Regulations for Maintenance of Way and Structures, for what it erroneously alleged was falsifying the payroll for the last period of September, 1956, which charges were proven to be fully erroneous, unwarranted, and unjustified at the investigation held on October 23, 1956.

(b) Since the investigation fully exonerated the claimants of the charges placed against them the Carrier now be required to clear the charges from their record, and since the Carrier's letter of October 29, 1956, and the contents therein were in strict violation of the provisions of the Signalmen's Agreement, it also be remanded and removed from the claimants' record.

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 employe involved in this dispute are respectively carrier and employe 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;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of December 12, 1961, the parties jointly addressed a formal communication to the

Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 20th day of December, 1961.