

Award No. 10521

Docket No. TE-12387

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**NEW YORK, CHICAGO AND ST. LOUIS RAILROAD
(WHEELING AND LAKE ERIE DISTRICT)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the the New York, Chicago and St. Louis Railroad (Wheeling and Lake Erie District) that:

1. Carrier's assessment of the penalty of dismissal on R. P. Tittle, for the offense as charged, was an abuse of its discretion, an act of discrimination against the claimant, and excessive.

2. R. P. Tittle shall now be restored to his former position, with all rights unimpaired and compensated for wages lost.

OPINION OF BOARD: An extensive review of the issues arising from this Claim would serve no useful purpose.

The Record has been studied carefully; the contentions of the Parties have been considered; and we are of the opinion that the complained of action of the Carrier was not unjust, discriminatory, or an abuse of its discretion.

Accordingly, the Claim should be denied.

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

That the parties waived oral hearing;

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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of April 1962.