



Award No. 14478
Docket No. TD-15684

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the American Dispatchers Association that:

(a) The Pennsylvania Railroad Company, (hereinafter referred to as "the Carrier"), violated the existing schedule agreement between the parties, Regulation 6 thereof in particular, by its action, not supported by evidence of record, in withholding Train Dispatcher C. P. DeMuth from Carrier's service for a period of ten (10) days as a result of trial held on October 10, 1963.

(b) The Carrier shall now be required to compensate Claimant DeMuth for the said ten (10) days and clear his record of the unsupported charge.

OPINION OF BOARD: Claimant was charged with having permitted Train CS-8 to cross over ahead of Train No. 29, delaying the latter.

At the trial Claimant admitted that: (1) there was no question in his mind that First Class Train No. 29 was not to be delayed; and (2) Train No. 29, because of his instructions to the Operator at Crestline Tower, would have been delayed from 5 to 8 minutes by Train CS-8 even if Train CS-8 had not experienced mechanical trouble.

Following the trial Claimant was found guilty as charged and was suspended for 10 days.

We hold that the finding of guilty as charged is supported by substantial evidence; and, the discipline imposed was not unreasonable. We will deny the Claim.

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of May 1966.