



Award No. 14802  
Docket No. SG-15908

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Edward A. Lynch, Referee

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILROAD SIGNALMEN**  
**CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY**

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

On behalf of F. L. McNaught for all time lost account being held out of service more than five days prior to investigation held at Des Moines, Iowa, on January 13 and 14, 1965 — as well as all fringe benefits including hospitalization for himself and wife, and his insurance policy of \$4,000 which the Carrier is obligated to pay because he was unjustly dismissed from the service in violation of Agreement Rule 64 and others.

[Carrier's File: PR-D-213996 — General Chairman's File: D-109]

**OPINION OF BOARD:** On the evening of January 11, 1965 a Carrier official served upon this Claimant notice of an investigation to be held January 13, 1965.

Rule 64 (a) requires that an employe shall be advised in writing "at least 72 hours prior to such investigation" of the exact charges against him.

This was not done.

Under date of January 20, Carrier notified him he was terminated.

It is clear the Agreement was violated.

While a sustaining Award will be issued, it will be restricted to restoration to his position and compensation for actual wage loss.

**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 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 Agreement was violated.

**AWARD**

Claim sustained in accordance with the Opinion and Findings.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **THIRD DIVISION**

**ATTEST: S. H. Schulty**  
Executive Secretary

**Dated at Chicago, Illinois, this 23rd day of September 1966.**