

NATIONAL RAILROAD ADJUSTMENT BOARD**THIRD DIVISION**

Edward A. Lynch, Referee

PARTIES TO DISPUTE:**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES****TAMPA UNION STATION COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5947) that:

(1) Carrier violated the rules of the Station and Storehouse Employees' Agreement when it dismissed station porter Wayne H. Allen from the service April 27, 1965.

(2) Carrier now be required to reinstate Wayne H. Allen with all rights unimpaired and pay for time lost from the first day withheld from service and subsequent thereto until reinstated.

OPINION OF BOARD: On the basis of the transcript of the investigation into the incident leading to Claimant's dismissal, and his record preceding it, we will follow that line of Awards that hold we should not substitute our judgment for that of the Carrier unless there is substantial evidence that in exercising its right to discipline the Carrier acted in an arbitrary or capricious manner.

There is no such showing here.

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 23rd day of September 1966.