

Award No. 15578
Docket No. SG-16180

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Don Harr, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company et al, that:

Carrier should reinstate Mr. F. V. Dobbs to his former position of Signaller in Mr. Naylor's gang at some early date, with seniority, vacation and all other rights restored, with full pay for all time lost beginning August 4, 1965 and thereafter until permitted to return to his regular assignment, and clear his personal record of the charges and other unfavorable documents and implications that have been used in this case. [Carrier's File: SG-21788]

OPINION OF BOARD: This is a discipline case. Claimant was dismissed for allegedly being drunk and molesting a young boy while traveling on a pass aboard Carrier's passenger train "Royal Palm."

From a review of the transcript of the hearing, we do not find any evidence that the Claimant was identified as the person who molested the young child. We do find from the record that Claimant was given a fair and impartial hearing; that there was evidence that Claimant had been drinking and was guilty of conduct that could reflect upon the Carrier; that the Carrier's action in dismissing Claimant from service was not arbitrary or capricious or an abuse of sound discretion. We will not disturb the discipline imposed.

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 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 19th day of May 1967.

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