

Award No. 16860

Docket No. CL-17733

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYES**

**SOUTHERN PACIFIC COMPANY
(Pacific Lines)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6476) that:

(a) The Southern Pacific Company violated the Agreement on December 11, 1967, when it dismissed Gerald F. Creedon from the service without just cause and on charges not proved.

(b) The Southern Pacific Company shall now be required to restore Gerald F. Creedon to service with one (1) day's compensation at the applicable pro rata rate of position of Stevedore, No. 548, for each work day subsequent to his removal from service on December 11, 1967, and continuing until he is returned to duty and his personal record cleared of all charges.

OPINION OF BOARD: Claimant was charged with being absent without leave. A trial was eventually held and Carrier, by virtue of the evidence adduced, found him guilty and ordered his dismissal from the service. It is unquestioned that the trial or hearing was conducted in a fair and impartial manner and that there was substantial evidence presented to warrant Carrier's findings and Claimant's subsequent discharge from the service. We cannot say that Carrier acted in such an unjust, unreasonable, and arbitrary manner as to constitute an abuse of discretion. We will accordingly 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 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 20th day of December 1968.