

CORRECTED



Award Number 17344

Docket Number TE-16576

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert C. McCandless, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
LOUISVILLE AND NASHVILLE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Louisville and Nashville Railroad (NC&STL Dist.), that:

1. Carrier acted improperly when it dismissed Extra Operator J. E. Shankles from its service effective April 15, 1966.
2. Carrier shall, because of the violation set out above, reinstate Operator J. E. Shankles to its service, with all rights unimpaired, and pay for all time lost.

OPINION OF BOARD: The dispute herein involves the same Carrier and the same Organization as were involved in Award 15646. Likewise, the factual situation and the contentions of the parties are essentially the same as in Award 15646, with the exception that in the present docket the Claimant was reinstated by the Carrier with his former seniority on November 29, 1966. The claim before the Division is actually for pay for the time lost by Claimant from date of dismissal on April 15, 1966, to date of reinstatement.

Here, as in Award 15646, we find that Claimant's substantive rights under the Agreement were not violated, and that the charge against him was sustained. The Claimant has been reinstated with his former seniority, and we find no proper basis for disturbing the action of the Carrier. The claim will, therefore, be denied.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of July 1969.