

Award No. 18051
Docket No. CL-18585

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

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

PENN CENTRAL TRANSPORTATION COMPANY
Northeastern Region, Springfield Division

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6705) that:

1. Carrier violated the Agreement in its dismissal of Mr. David H. Miller, Clerk, Framingham, Massachusetts, effective Monday, November 27th, 1967, and;
2. Mr. Miller was not afforded with a reasonable amount of time prior to the hearing to prepare a proper defense nor was he apprised of the charge against him as required by Rule 43 of the Agreement and as a result was denied a proper, fair and impartial hearing, and;
3. The investigation and decision resulting therefrom dismissing Mr. Miller from service was null and void; and;
4. Notwithstanding the above, the transcript of the hearing does not support a decision of dismissal, and;
5. Mr. Miller be reinstated without loss of seniority, his record cleared and that he be compensated for all his net loss of wages.

OPINION OF BOARD: The record reveals that Carrier's findings are based upon substantial and credible evidence; that Carrier's conduct of the investigation was neither vindictive nor prejudicial; and that none of Claimant's procedural or substantive rights were abrogated.

The discipline imposed was commensurate with the gravity of the offense involved, and there exists no valid basis for any change in the discipline imposed upon the Claimant.

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 24th day of July 1970.