

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Francis X. Quinn, Referee

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**PARTIES TO DISPUTE:**

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

**PENN CENTRAL TRANSPORTATION COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-6701) that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rule 7-A-1 (a), (b), (c) and (d), when it imposed discipline of dismissal upon J. E. Martignetti, Head Clerk, Greenville Yards, Jersey City, N. J., Former New York Division.

(b) Claimant J. E. Martignetti be returned to service with all rights unimpaired and that he be reimbursed for all monetary losses sustained from November 22, 1965. (Docket 2228)

**OPINION OF BOARD:** After careful study of the record we find that dismissal of the Claimant from service was not unreasonable, arbitrary or capricious but was taken only after a proper trial had established his guilt as charged. The discipline imposed was commensurate with the gravity of the offenses 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 Employes involved in this dispute are respectively Carrier and Employes 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.