

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19760
Docket Number MW-19988

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Terminal Railway Alabama State Docks

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Welder Charles Shell was excessive, without just and sufficient cause and wholly disproportionate to the offense with which charged.

(2) Welder Charles Shell be reinstated with all rights unimpaired and compensated for all wage loss suffered since September 1, 1972.

OPINION OF BOARD: In this discipline case we find that: (1) Claimant was afforded due process; (2) there is substantial probative evidence of probative value which supports Carrier's finding of Claimant's guilt; and (3) under the circumstances presented here, the discipline imposed was not unreasonable.

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:

E. A. Kilken
Executive Secretary

Dated at Chicago, Illinois, this 11th day of May 1973.