

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20462
Docket Number MW-20587

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Elgin, Joliet and Eastern Railway Company

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

(1) The dismissal of Crane Operator D. S. Morales was without just and sufficient cause and on the basis of unproven charges (System File TM-1-73).

(2) Crane Operator D. S. Morales be reinstated with seniority, vacation and all other rights unimpaired; the charges against him be stricken from his record; he be compensated for all wage loss suffered, all in accordance with Rule 57(c).

OPINION OF BOARD: This is a case which the Board, following principles it has followed in numerous claims, believes should be resolved by restoring claimant to service, but without pay for time lost. The explication for this result has been omitted, since it rests on facts and circumstances peculiar to this claim, and therefore this decision and Award is not to be construed as a precedent as to other claims similar or otherwise.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 claimant should be reinstated with seniority, vacation and all other rights unimpaired, but without pay for time lost.

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Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A.W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.