

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20549  
Docket Number MW-20622

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(St. Louis-San Francisco Railway Company

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

(1) The dismissal of B&B Helper Joe Coleman on November 2, 1972 was unduly excessive and wholly disproportionate to the offense with which charged (System File A-9050/PR: Coleman, Joe M.).

(2) Claimant Joe Coleman be restored to service with all seniority, pass, vacation and service rights intact but without pay for time lost.

OPINION OF BOARD: Claimant was dismissed from the service of the Carrier for being absent without permission on November 1 and 2, 1972. The Claimant requested a hearing under the terms of the Agreement. The hearing was held on December 8, 1972. The transcript of said hearing is a part of the record.

A review of the record reveals that the charge of being absent without permission on the dates involved was supported by the evidence. Further, the punishment of dismissal has not been shown to be excessive in view of Claimant's past discipline record.

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: A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 13th day of December 1974.