

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20890
Docket Number MW-21080

Lloyd H. Bailer, 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 Track Laborer Carl Reed on July 8, 1974 was without just and sufficient cause and extremely disproportionate to the offense which he allegedly committed (System File B-1332).

(2) Track Laborer Carl Reed shall be reinstated to service with seniority, vacation and all other rights unimpaired and with pay for all time lost, all in accordance with Article 4, Rule 1(d).

OPINION OF BOARD: There is evidence in the record of the hearing on the property that Claimant Reed failed to comply with the instructions of his supervisor. Claimant was afforded a fair and impartial hearing. In view of his short length of service and prior discipline, we cannot say that Carrier abused its discretion in taking dismissal action.

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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 12th day of December 1975.