

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20923  
Docket Number SG-21003

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claims of the System Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Transportation Company:

(a) On June 22, 1973 the carrier violated the current Signalmen's Agreement in effect on the Missouri Division of the Chicago North Western Transportation Company (formerly Chicago Great Western) particularly rule 62, when it dismissed signal maintainer T. H. Duffy from service without just and sufficient cause on basis of unproven charges. Also without conducting a fair and impartial investigation.

(b) Carrier now reinstate Mr. Duffy, to his former signal maintainer's position at Des Moines, Iowa with all seniority and all other rights unimpaired, compensate him for all time lost and expenses incurred since unjustly held from service, and clear his personal service record of the entire charge. /Carrier's file: D-9-30  
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OPINION OF BOARD: There is basis in the record for disciplinary action against the grievant. Improper utilization of company time and improper reporting have serious ramifications.

In view of the grievants years of service we find dismissal to be severe. Therefore we will return grievant to Carriers' service with seniority and other rights unimpaired but without back pay.

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 violated in part.

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Grievant is to be returned to Carrier's service with seniority and other rights unimpaired but without back pay.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A.W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January 1976.