

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21280
Docket Number MW-21472

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Chicago and North Western Transportation Company

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

(1) The dismissal of Machine Operator M. Kensicki for alleged "violation of Rule 'G'", was arbitrary, without just and sufficient cause and on the basis of unproven charges (System File D-11-1-303).

(2) The claimant shall now be accorded the benefits prescribed in Agreement Rule 19(d).

OPINION OF BOARD: Claimant was afforded due process.

The record contains substantial evidence of probative value that Claimant was guilty of violation of Rule G.

The discipline imposed by Carrier -- dismissed from service -- was not excessive.

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 12th day of November 1976.