

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21281
Docket Number MW-21494

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Port Terminal Railroad Association

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

(1) The dismissal of Track Employee Victor Collins effective November 4, 1974 was without just and sufficient cause and, as a consequence thereof

(2) The provisions of Agreement Rule 11 (E) shall now be applied to Claimant Collins.

OPINION OF BOARD: Claimant was afforded due process.

The record contains substantial evidence of probative value that supports Carrier's affirmative defense that Claimant violated Rule 45.

The Carrier's imposed discipline -- dismissal 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. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 12th day of November 1976.