

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21282
Docket Number MW-21497

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(The Texas and Pacific Railway Company

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

(1) The dismissal of Trackman Lionel Hardison on June 1, 1974 was without just and sufficient cause and wholly disproportionate to the offense with which charged (System File K 247-5156).

(2) Claimant Hardison shall be reinstated to service with seniority, vacation and all other rights unimpaired and with pay for all time lost.

OPINION OF BOARD: Claimant was afforded due process.

The record contains substantial evidence of probative value that Claimant was guilty of the offense of long and persistent absence from duty notwithstanding that he had been warned that his continuance of such conduct would result in his dismissal from service.

The dismissal of Claimant, by Carrier, on June 1, 1974, was not an excessive imposition of discipline.

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 Employee involved in this dispute are respectively Carrier and Employee 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.