

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22119
Docket Number SG-22138

Louis Yagoda, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern (former Colorado & Southern Railway Company):

On behalf of W. M. Barrett, who was dismissed following an investigation held on November 5, 1975, for reinstatement as Signal Maintainer at Trinidad, Colorado, reimbursement for all wages lost while out of service, and for the restoration of seniority to the proper position on the seniority roster.

/Carrier file: SI-20 6/3/76/

OPINION OF BOARD: Claimant has raised certain procedural objections in this case, paramount among which is the allegation that the hearing notice was defective because it did not specify a particular Rule as having been allegedly violated.

The formation of a charge and the giving of notice thereof in the railroad industry need not meet all of the technical language of a criminal complaint. This Board has on numerous occasions ruled that it is sufficient if it appears from the record that the one charged understood that he was being investigated and that he understood the dereliction which formed the basis of the complaint. The absence of mention of a particular Rule or Rules does not per se render the hearing notice defective in this case. In fact, our review of the entire record fails to show that there were any procedural deficiencies which would preclude this Board's consideration of this case on its merits.

The record contains substantial evidence to indicate that Claimant was in fact guilty of dishonest actions. To be sure, Claimant attempted at the hearing to mitigate his derelictions and to cast the yoke on to his ex-wife. However, the testimony of Carrier's three witnesses relative to Claimant's admissions remains, in all substantial aspects, uncontroverted.

While we are not unmindful of the serious and final nature of discipline by dismissal neither can we forget that dishonesty in all of its shapes and sizes is a serious matter which, when proven, this Board has repeatedly held to be sufficient cause for dismissal. Such is the situation here.

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 16th day of June 1978.

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