

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22138  
Docket Number SG-22180

David P. Twomey, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(The Chicago, Rock Island and Pacific Railroad  
( Company (William M. Gibbons, Trustee)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood  
of Railroad Signalmen on the Chicago, Rock Island  
and Pacific Railroad Company:

(a) On October 21, November 12, and 18, 1976 the carrier violated the current Signalmen's Agreement, particularly rule 64 during the investigation of signal maintainer Mr. W. R. Money, and subsequent discipline assessed to him.

(b) Carrier now be required to reinstate Mr. Money to his former Signal Maintainers position at Brinkley, Ark., with all seniority and other rights unimpaired, compensate him for all time lost, and clear his personal record of the entire charge."

/General Chairman file: AV-G-253. Carrier file: L-130-613/

OPINION OF BOARD: By letter dated October 13, 1976, the Carrier's Superintendent notified the Claimant, Signal Maintainer W. R. Money, to attend an investigation concerning the following:

" . . . to develop the facts, discover the cause and determine your responsibility, if any, in connection with report received by me October 12, 1976, that between November, 1975, and February, 1976, that you sold Company scrap without proper authorization while you were Signal Maintainer at Brinkley, Arkansas, in violation of Rules B, K, N of G-147 Revised; Rules B, K, N of Rules and Regulations of Mtce. of Way and Structures; Rules B, K, N of Uniform Code of Operating Rules and any other violations of operating rules or special instructions in connection therewith."

The investigation was held on October 21, and November 12, 1976. By letter dated November 18, 1976, the Claimant was notified that as a result of the investigation he was dismissed from the service of the Carrier.

We find that the Claimant received a proper charge under Rule 64 of the existing Agreement and that the investigation was held within the time limits of that rule. We find that the Claimant had full opportunity to present his case as he and his representatives saw fit, and to cross-examine witnesses. We find that there is substantial evidence of record to support the Carrier's finding that the Claimant was responsible for violating Rules B, K and N of the Rules and Regulations of Maintenance of Way and Structures and the Uniform Code of Operating Rules. We find no evidence of record that the Claimant was singled out or selected out for discipline. We find that the discipline of dismissal is neither arbitrary, capricious nor excessive. We shall deny the claim.

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. Paulos*  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1978.