

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22360
Docket Number MW-22375

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Louisville and Nashville Railroad Company

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

(1) The dismissal of Welder G. N. Hall and of Welder Helper C. R. Smith was without just and sufficient cause and was arbitrarily and capriciously imposed (System File 1-16 (33)/E-306-12).

(2) Claimants Hall and Smith shall be reinstated to service in the welding department with seniority rights unimpaired and with pay for all time lost."

OPINION OF BOARD: Claimants were both found guilty of failing to carry out the proper instructions of their foreman on March 29, 1976, and also with being absent without proper leave during March 1976.

Based upon the entire record of this case the Board has concluded that claimants should now be reinstated, but without pay for time lost.

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

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That claimants should be reinstated.

A W A R D

Carrier is directed to reinstate claimants, with full seniority, but without pay for time lost.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of March 1979.

