

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22409
Docket Number MW-22434

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Terminal Railroad Association of St. Louis

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

(1) The removal from service on September 14, 1977 and the
subsequent dismissal on October 10, 1977 of Track Foreman Leonard Allen
was

- (a) without just or sufficient cause;
- (b) on the basis of unproven and disproven charges;
- (c) extremely disproportionate to the offense with
which charged

and, as a consequence thereof

(2) the Claimant shall be reinstated to service with all
rights unimpaired and with pay for all time lost (System File TRRA
1977-30)."

OPINION OF BOARD: Pursuant to an investigation properly held the
Claimant was dismissed from the service of the
Carrier for refusing to follow instructions. The Claimant takes
the position that sufficient evidence was not presented at the
hearing to support the charges.

We have reviewed the testimony of the witnesses as reflected
in the transcript of the investigation and find that sufficient
evidence of probative value was presented at the hearing to support
the charge. Given the seriousness of the charge and the Claimant's
past discipline record we find the penalty of dismissal to be
appropriate.

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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 30th day of May 1979.

