

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22469  
Docket Number MW-22439

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(National Railroad Passenger Corporation

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

(1) The discipline of Maintenance Helper J. DiNoto for alleged violation of Rules I and Y of the National Railroad Passenger Corporation General Rules was without just or sufficient cause and on the basis of unproven charges.

(2) The claimant's personal record shall be cleared of said charges and he shall be reimbursed for all wage loss suffered as a consequence of said discipline."

OPINION OF BOARD: Claimant was suspended from the service of the Carrier for 60 days after having been found guilty of violating Rules I and Y of the National Railroad Passenger Corporation General Rules.

We have reviewed the transcript of the hearing and find that there was sufficient evidence presented to support the finding of guilt. We will 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.**

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1979.

