

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23104
Docket Number MW-23220

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Mississippi Export Railroad Company

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

(1) The discipline of Trackman Stokes Jackson was unwarranted and without just and sufficient cause.

(2) Trackman Stokes Jackson shall be allowed the remedy prescribed in Rule 18(e). "

OPINION OF BOARD: The Claimant was suspended concerning certain absences.

It is not our function to resolve credibility disputes. Rather, we are limited to a review of the evidence and testimony to assure that there is evidence of record sufficient to warrant the disciplinary action. We are of the view that there is such evidence 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:


Executive Secretary

Dated at Chicago, Illinois, this 15th day of December 1980.