

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23237  
Docket Number CL-23396

Paul C. Carter, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9275) that:

1. Carrier violated the terms of the parties' agreement, particularly Rule 21, when it dismissed from its service Mr. Lester Powell, Clerk at Wood Street Station, account of investigation held on May 4, 1979, and

2. Carrier shall reinstate Mr. Lester Powell with all rights unimpaired, and to make him whole compensation wise for all time lost, including costs to him for fringe benefits while held out of service.

OPINION OF BOARD: Following investigation conducted on May 4, 1979, claimant was dismissed from service by letter dated May 11, 1979, for failure to comply with Rule 7 of the General Regulations and Safety Rules.

Claimant's personal record, which is far from satisfactory, has been made a part of the record before the Board. In view of claimant's personal record and his clear culpability in his involvement in the shoving match with the Agent, the Board is not inclined to upset the discipline imposed.

In arriving at our decision on the merits of the dispute, the Board does not rule on the procedural arguments raised by either party.

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. Paulson*  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1981.

