

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24343
Docket Number CL-24132

Edward L. Suntrup, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees
{ Soo Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9494)
that:

(1) Carrier's action in the dismissal from service of Mr. A. S. McCall, Agent and Operators-Western Division Seniority District, effective April 25, 1980, was unjust, arbitrary and capricious.

(2) Mr. A. S. McCall shall have his record cleared of any and all charges which may have been placed against him because of this case.

(3) Mr. A. S. McCall shall now be reinstated to the service of the Carrier with seniority and other rights unimpaired.

(4) Mr. A. S. McCall shall now be compensated for all wages and other losses sustained account of this arbitrary dismissal.

OPINION OF BOARD: Claimant Mr. A. S. McCall, was assigned to the position of Traveling Agent, Westby, Montana at the time of the incident(s) in question. By letters dated April 25, May 5 and May 6, 1980 Claimant was notified to attend a formal investigation. He was charged with violation of Rule G on April 11, 1980 and on April 25, 1980. After investigation on both charges was held on June 4, 1980 Claimant was discharged from service of the Carrier by letter dated June 16, 1980.

A review of the transcript(s) of the hearing(s) shows that sufficient substantial evidence is present to warrant the conclusion that Claimant is guilty as charged. The testimony of two witnesses, a number of documents from the Sheriff's Office in Plentywood, Montana which substantiate the April 11, 1980 incident, and Claimant's own testimony all indicate contravention(s) of Rule G on the two in question. This Board cannot, therefore, disturb the determination of the Carrier in this matter.

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: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 27th day of April 1983.

