

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24803
Docket Number MW-24970

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Southern Pacific Transportation Company (Eastern Lines)

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

(1) The dismissal of Track Foreman D. L. Hubbard for alleged violation of Rules '801' and '809' was arbitrary, unwarranted and on the basis of unproven charges (System File MW-82-101/346-94-A).

(2) The claimant shall be reinstated with seniority and all other rights unimpaired, his record cleared and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: The Claimant, herein, was dismissed from the Carrier's service on the finding that he made various personal long distance telephone calls that were charged to Carrier and that he improperly posted eight hours of work on the time roll.

We have reviewed the record in its entirety and have found that the finding of guilt was not an unreasonable one. Moreover, on the basis of this record, we find that the Carrier's actions were not arbitrary or capricious and the claim will be denied.

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 Employes involved in this dispute are respectively Carrier and Employes 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

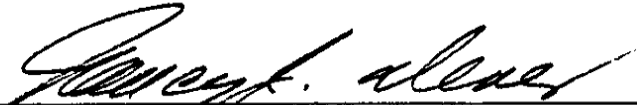
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1984

JUN 1 1984