

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25021
Docket Number CL-24924

Eckehard Muessig, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9683)
that:

1. Carrier violated the terms of the Agreement which became effective May 15, 1972, particularly Rule 21, when it dismissed from service Ms. Anne Ahrens, Clerk, at Boone, Iowa, account investigation held on December 8, 1981, and

2. Carrier shall be required to reinstate Ms. Anne Ahrens to service with all rights unimpaired, and compensate her for all wages and benefit losses sustained commencing November 14, 1981, the date she was notified of her removal from service, up to the time the instant violation is corrected.

OPINION OF BOARD: Claimant was subject to an investigative hearing to determine "your responsibility for improper payroll entries during the months of October, November and December 1980 and January and February 1981 which resulted in ***, securing compensation to which not entitled." Following the hearing, the Claimant was found guilty of the charges and was dismissed from Carrier's service.

We have carefully analyzed the lengthy record in this dispute. It is our conclusion that the evidence adduced sustains the finding that the Claimant was guilty of the charge. The Carrier's finding was clearly established by testimony of record which was further corroborated by an audit of the pertinent records pertaining to the charge.

On the basis of this record, we find that Carrier's actions were not arbitrary or capricious and the claim must 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 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:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September 1984.

