

Award Number 25982  
Docket Number MW-25914

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(Maine Central Railroad Company

(1) The dismissal of B&B Carpenters J. W. Glynn and L. F. Gower was arbitrary, capricious, unwarranted and in violation of the Agreement (Carrier's File 011.6/N-8 2400).

(3) As a consequence of either or both (1) and/or (2) above, Claimants J. W. Glynn and L. F. Gower shall be exonerated of all charges, compensated for loss of wages, returned to service without loss of seniority rights, vacation rights or any other rights or benefits which they enjoyed prior to their dismissal and the Carrier shall be responsible for any medical payments which are not covered through the medical and health benefits policy as a result of the claimants' dismissal."

The Board finds and holds that the letter of September 7, 1982, to the General Chairman of the Organization by Carrier's Manager-Personnel, Labor Relations and Safety, in which the serious Rule violations were pointed out, did constitute a decision as contemplated by Rule 45(1)(c) of the Agreement,

notwithstanding leniency being conditionally extended at the request of the General Chairman. The record of handling on the property is convincing that the letter of September 7, 1982, was accepted as a decision by the parties authorized to interpret the Agreement, the highest designated Officer of Appeals for the Carrier and the General Chairman of the Organization.

Both parties make additional procedural arguments. However, under the circumstances, and due to the nature of the arguments, it would be proper to consider this dispute on its merits.

Based on the entire record, the Board concludes that substantial evidence was adduced at the investigation in support of the charges against each Claimant. Therefore, the Claim is 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 March 1986.

