

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 42988
Docket No. SG-43175
18-3-NRAB-00003-150427**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Kansas City Southern Railroad Company**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Kansas City Southern:

Claim on behalf of J. D. Wooster, for reinstatement to service with compensation for all time lost, including overtime and skill pay, with all rights and benefits unimpaired and with any mention of this matter removed from his personal record, account Carrier violated the current Signalmen’s Agreement, particularly Rule 47, when it issued the harsh and excessive discipline of dismissal to the Claimant without providing him a fair and impartial Investigation and without meeting its burden of proving the charges in connection with an Investigation held on May 28, 2014. Carrier’s File No. K0614-4852. General Chairman’s File No. 14-029-KCS-185. BRS File Case No. 15139-KCS.”

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Claimant in this case is the same employee involved in Third Division Award 42987.

After Investigation held May 28, 2014 and by letter dated June 3, 2014, the Claimant was dismissed for failing to accurately report and respond to questions regarding criminal charges pending against him in violation of GCOR 1.6 (Conduct).

The Claimant's dismissal in this case arises out of the same circumstances discussed in Third Division Award 42987. In that case, the Board denied the claim protesting the Claimant's dismissal for possession of an illegal drug and/or controlled substance. In light of our upholding the Claimant's dismissal in that case, this case is moot and the claim shall be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 29th day of March 2018.