

Award No. 22
Case No. 22
ORT No. (None)

SPECIAL BOARD OF ADJUSTMENT NO. 421

THE ORDER OF RAILROAD TELEGRAPHERS)
vs.)
NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT)
(except Boston and Albany Division) and)
NEW YORK DISTRICT)

STATEMENT OF CLAIM:

1. Carrier violated the terms of the agreement between the parties when, on November 23, 1962, without just cause, it dismissed Emilio J. DeIanni from service.
2. Carrier shall be required to return Emilio J. DeIanni to service with all rights unimpaired, clear his record and pay him for all time lost from November 16, 1962 until restored to service.

OPINION OF BOARD:

As indicated in the above Statement of Claim, this dispute arises out of the dismissal of Emilio J. DeIanni, who was a regularly assigned Ticket Agent at Mount Vernon, N.Y. Station. The Carrier gave notice of dismissal under date of November 23, 1962, the claimant having been suspended from service effective November 16, 1962.

The Organization has vigorously argued in behalf of Claimant DeIanni that: 1) The Carrier failed to comply with the procedural requirements of Agreement Article 32 and failed to state its reasons for denying the claim within the prescribed time limit, and that 2) the evidence does not support the dismissal.

Having carefully reviewed the record submitted in this case, we conclude that the Carrier complied with the governing procedural provisions and that the evidence conclusively supports a finding that there was just cause for the dismissal.

AWARD:

Claim denied.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Chairman

/s/ L. Faulds
L. Faulds, Carrier Member

/s/ R. J. Woodman
R. J. Woodman, Employee Member

June 25, 1963