

Award No. 23
Case No. 23
NRAB No. ---

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 Vincent DePasquale from service.
2. Carrier shall be required to return Vincent DePasquale to service with all rights unimpaired, clear his record and pay him for all time lost from November 14, 1962 until restored to service.

OPINION OF BOARD:

Claimant DePasquale was dismissed from service in November 1962 following investigation and hearing conducted on the property. At the time of the incident which led to the dismissal the claimant was serving as an extra telegrapher-clerk at Mt. Kisco, N. Y.

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

Having carefully reviewed the record presented in this case, we conclude that the Carrier complied with the governing procedural provisions and that the evidence conclusively supports the 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