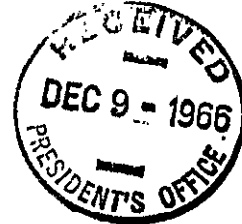


Award No. 46  
Case No. 46

SPECIAL BOARD OF ADJUSTMENT NO. 421

TRANSPORTATION-COMMUNICATION EMPLOYEES)  
UNION )  
vs. )  
NEW YORK CENTRAL RAILROAD, EASTERN )  
DISTRICT (Except Boston and Albany )  
Division) and NEW YORK DISTRICT )



STATEMENT OF CLAIM:

Claim of the General Committee of the Transportation-Communication Employees Union on the New York Central System (Eastern District), that:

1. Carrier violated the terms of the Agreement between the parties when, on May 24, 1966, without just cause, it dismissed J. H. Frank.
2. Carrier shall now be required to return Mr. J. H. Frank to service with all rights unimpaired, pay him for all loss of wages and for time and expenses incurred while attending a hearing on May 23, 1966.

OPINION OF BOARD:

Claimant Frank entered the Carrier's service on April 4, 1964 as a Telegrapher on the Electric Division. On May 12, 1966 he was regularly assigned to the Telephoner-Leverman position at SS-DV, Spuyten Duyvil, New York on the 3:00 P.M.-11:00 P.M. trick. As a result of certain events occurring during the claimant's regularly assigned hours on that date, and pursuant to due notice, a formal hearing was held on May 18, 1966. Claimant Frank was notified of his dismissal on May 24, 1966.

The evidence adduced at the hearing on the property established that on May 12, 1966 claimant misrouted trains 751, 845 and 757, which caused a delay to the trains. After these three occasions of misrouting, the Train Dispatcher became concerned and notified the Chief Train Dispatcher who instructed Assistant Trainmaster W. Vail to go to Interlocking DV and investigate. Accompanied by V. T. Ryan, Supervisor, Car Control, Assistant Trainmaster Vail arrived at INT DV at 6:15 P.M. and found Claimant Frank seated at the desk. When asked if he had misrouted trains, claimant replied that he had not. When asked if he had delayed train 25, claimant replied in the negative. When asked where his Leverman was, claimant responded that he did not know. He was asked if he was feeling all right and he said that he was. Claimant then got up from the desk and left the tower, refusing to comply with the Assistant Trainmaster's repeated requests that he return to the tower.

During the hearing on the property Claimant Frank said he gave his Leverman permission to leave prior to the end of the trick but he failed to give an adequate explanation as to why he permitted his Leverman to leave without proper authorization and without even reporting this early departure. Claimant conceded having misrouted certain trains and his explanation for these mistakes was entirely insufficient. Claimant also acknowledged leaving the tower after Assistant Trainmaster Vail arrived. His explanation that he thought he was being relieved by the Assistant Trainmaster

is beyond belief.

The evidence compels us to conclude that Carrier was entirely justified in dismissing Claimant Frank from service. A denial award is required.

AWARD:

Claim denied.

Lloyd H. Bailer  
Lloyd H. Bailer, Chairman

T. A. Seymour  
T. A. Seymour, Carrier Member

R. J. Woodman  
R. J. Woodman, Employee Member

Dated: November 18, 1966