

SPECIAL BOARD OF ADJUSTMENT NO. 924

AWARD NO: 11  
DOCKET NO: 11

PARTIES TO DISPUTE:

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY  
AND  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

Statement of Claim:

- "1. The dismissal of B&B Carpenter Anthony Annoreno for allegedly working on a private automobile while on duty on January 20, 1983 was without just and sufficient cause and on the basis of an unproven and disproven charge. (Organization File T3-3627; Carrier File 81-83-86-D).
2. B&B Carpenter Anthony Annoreno shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered."

FINDINGS: This Board, upon the whole record and all the evidence, finds and holds that The employees and the Carrier involved, are respectively employees and Carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute herein.

The claimant was assigned as a B&B carpenter at Carrier's California Avenue, hours of assignment 7:30 A.M. to 4:00 P.M., with a thirty minute lunch period. He had been in service since August, 1978.

On January 24, 1983, claimant was notified to appear for a formal investigation on January 28, 1983, on the charge:

"To determine your responsibility in connection with your actions on January 20, 1983 when you were observed working on a private automobile while on duty at California Avenue."

Based upon a review of the transcript of the investigation, the Board concludes that the charge was proven. In view of claimant's prior record, the discipline imposed was not arbitrary, capricious or in bad faith. The claim will be denied.

AWARD

Claim denied.

Paul C. Carter  
Chairman, Neutral Member

H. B. Harpers  
Employee Member

J. D. Crawford  
Carrier Member

DATE: 2-16-84

CHICAGO, ILLINOIS

ka15(10)