

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION
With Referee Byron R. Abernethy

Award 21 785

Docket 33 858

PARTIES (United Transportation Union (successor to Brotherhood of
TO (Locomotive Firemen and Enginemen)
DISPUTE (Chicago, Burlington & Quincy Railroad Company

STATEMENT OF CLAIM: "Claim of Engineer A. E. Christian, Galesburg Division, for pay for all time lost from July 14, 1955 to February 13, 1956, inclusive, account of being held out of service July 13, 1955, and discharged from service August 1, 1955, for alleged violation of Rules 'G' and 'O' without a trial or investigation."

FINDINGS: The First Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended, and that this Division has jurisdiction.

Hearing was waived.

Claimant was directed by the Carrier to attend an investigation at 10:00 A.M., July 20, 1955, for the purpose of investigating his alleged violation of Rules "O" and "G" while holding assignment on Train No. 1, Peoria to Galesburg, Illinois on July 13, 1955. When claimant failed to appear at the investigation, the Carrier Officers did not proceed with planned investigation. Claimant was then dismissed from service on August 1, 1955:

" . . . for violating the provisions of Rules 'G' and 'O', July 13, 1955, and subsequent failure to attend investigation July 20, 1955 in connection therewith after being properly notified to do so."

Thus no investigation was ever held relative to either basis for discharge

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prior to claimant's dismissal from service; no evidence was adduced in an investigation to support these charges against the claimant; and there is no record of investigation for the Board to review as to adequacy of evidence or as to fairness or impartiality of the investigation.

Under these circumstances we cannot find that the investigation requirements of applicable rules on the property were complied with. This claim must therefore be sustained.

AWARD: Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
BY ORDER OF FIRST DIVISION

DATED AT CHICAGO, ILLINOIS
THIS 3rd DAY OF December 1971.

ATTEST: *E. A. Killen*
Executive Secretary