

Award No. 1035
Docket No. DC-1109

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES

ST. LOUIS SAN FRANCISCO RAILWAY COMPANY

STATEMENT OF CLAIM: "Request reinstatement of Dining Car Waiter Robert Johnson with compensation for time lost."

JOINT STATEMENT OF FACTS: "Dining Car Waiter Robert Johnson was discharged July 17, 1939, as a result of investigation conducted July 13, 1939, concerning report that he was intoxicated on duty, train No. 3, July 7, 1939. Officers of the Railway have declined to reinstate him."

OPINION OF BOARD: The evidence of record discloses no grounds for disturbing the action of the Carrier.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the evidence of record discloses no grounds for disturbing the action of the carrier.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 26th day of January, 1940.