

Award No. 2457
Docket No. DC-2475

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

St. Clair Smith, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD TRAINMEN

**THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY**

(Wilson McCarthy and Henry Swan, Trustees)

STATEMENT OF CLAIM: Request for reinstatement of Dining Car Steward Earl B. Parmenter dismissed from the service October 6, 1942, for his alleged use of intoxicating liquor while on duty, for intermingling liquor which he owned with Company owned liquor on Company dining cars, for selling liquor not Company owned on Company dining cars, and for conduct unbecoming a Dining Car Steward. Article 9 Dining Car Stewards' Schedule.

OPINION OF BOARD: The action taken by the Carrier is founded on substantial support in the evidence, and is not unreasonably disproportionate to the misconduct of which it deemed the Petitioner guilty. In such circumstances, that this Division is not at liberty to interfere is no longer open to debate.

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 petition is denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois this 14th day of February, 1944.