

Award Number 3088

Docket Number DC-3122

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES, LOCAL 465

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local 465, on the property of the Union Pacific Railroad Company for and in behalf of Mr. Henry Watson, Lounge Car Attendant, to be returned to seniority rights, unbroken and accumulated, and with compensation, to the extent suffered, retroactive to July 13, 1944, the first date taken out of service, as a result of unjust and unwarranted dismissal, violation of the current agreement, and in abuse of Carrier's discretion.

OPINION OF BOARD: Based on the facts and circumstances of this case, the Carrier's offer July 19, 1945, to reinstate Watson to service at once and to reimburse him for wage loss in accordance with Article 11 of the Schedule effective August 1, 1935, was fair and reasonable. The claim should be disposed of on the basis of the Carrier's offer.

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 employee involved in this dispute are respectively carrier and employee 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 Watson shall be reinstated to service, with seniority unimpaired, and reimbursed for wage loss July 13, 1944, to July 19, 1945, on the basis of the Carrier's offer of July 19, 1945.

AWARD

Claim disposed of in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST. H. A. Johnson,
Secretary.

Dated at Chicago, Illinois, this 25th day of January, 1946.