

Award No. 3182

Docket No. DC-3226

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Sidney St. F. Thaxter, Referee.

PARTIES TO DISPUTE:

THE BROTHERHOOD OF RAILROAD TRAINMEN

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Request that Pennsylvania Stewart Frank B. Hallem be reinstated and paid for all time lost from February 28th, 1945, for being dismissed on alleged offense reading:

"While you were on duty as Dining Car Steward on Train 62-72, February 5th, 1945, you violated existing instructions when you permitted members of your crew to serve food items without meal checks and that you collected the sum of \$2.45 for meals served to two uniformed men for which checks were not prepared either prior or subsequent to the service rendered."

Claimant was held out of service without a fair and impartial trial, disregarding Regulation 6-A-1 of agreement effective January 16th, 1936, and should be reinstated and paid in accordance with Rule 7-B-1.

OPINION OF BOARD: The charge is not justified that this claimant was not accorded a fair hearing on the accusation which the carrier preferred against him. This was not a minor offense and he was properly held off duty pending a hearing.

The requirement that dining car stewards shall serve no meals without checks is a reasonable, proper, and probably a necessary requirement if the railroad revenues are to be safeguarded and the travelling public properly served. The evidence taken out at the hearing in this case fully justified the conclusion that in the instances here mentioned certain meals were served on the claimant's dining car without any checks being issued, and that that action was not an inadvertance but was intentional and done with the full knowledge of the claimant. The discipline imposed of dismissal was warranted.

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 Employees involved in this dispute are respectively carrier and the employees 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

There is no basis for an affirmative award.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. J. Johnson
Secretary

Dated at Chicago, Illinois, this 1st day of May, 1946.