

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES

BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: This claim is filed on behalf of Percy B. Brown, Chef Cook, employed by the Baltimore and Ohio Railroad Company, who was discharged from the service as a result of investigations held on May 8 and 13, 1947 during the course of which the charges against him were not proved. The discharge was not based upon the developed proof, but upon Brown's past record, facts of which were not developed through investigation.

We claim that this discharge violates the provisions of Article 13 of the existing agreement.

This claim is also for reinstatement of Chef Cook Brown with no loss of seniority, and pay for such time as he has lost as a result of this action.

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 Employees involved in this dispute are respectively carrier and 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

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 18th day of February, 1948.