

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYEES
THE CINCINNATI UNION TERMINAL COMPANY

STATEMENT OF CLAIM: Claim is filed on behalf of George B. Thomas, Red Cap employed by the Cincinnati Union Terminal Company, for payment in the amount of forty (40) hours at Mr. Thomas' current rate of pay, because of the unwarranted application of discipline imposed by the Carrier to wit: five days' suspension from duty.

We claim that the Carrier by this arbitrary action has violated Rule 11 of the existing agreement in that the facts adduced at the investigation did not warrant disciplinary action of any nature.

We further claim that the charges placed against Mr. Thomas by the Carrier were not proved, and Carrier acted in a highly arbitrary manner.

OPINION OF BOARD: Based upon all of the facts and circumstances of this particular case the Board is not disposed to disturb 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 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 the action of the Carrier will not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 3rd day of December, 1948.