

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYEES
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

STATEMENT OF CLAIM: This claim is filed on behalf of P. E. Williams, former Coach Porter of the Dining Car Department of the Chicago, Burlington and Quincy Railroad Company, who was discharged from the service of the Carrier by a procedure in direct violation of Rule 24 of the controlling agreement.

Claim is made for restoration to service for Mr. Williams with full seniority and other rights and pay for all time lost as a result of the above mentioned violation of the agreement.

OPINION OF BOARD: This case presents no contest between the parties as to the innocence or guilt of Claimant on the charges for which he was dismissed from service of the Carrier. The dispute relates solely to the proper discipline procedure required under Rule 24 of the controlling Agreement.

The Employees claim violation of Rule 24 because the Carrier failed to proceed in accordance with an "asserted" consistent past practice followed in the handling of discipline matters, but fail to submit any evidence supporting the alleged past practice. The Carrier categorically denies this assertion. Thus, the question to be resolved here is whether the Carrier proceeded in this case in violation of the provisions of Rule 24 relating to the handling of discipline matters. The record fails to disclose any violation of Rule 24 in the handling of the instant case.

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 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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 15th day of November, 1949