

Award No. 5567

Docket No. DC-5439

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES, LOCAL 370

ERIE RAILROAD COMPANY

STATEMENT OF CLAIM: Joint Council Dining Car Employees, Local 370, on the property of the Erie Railroad Company, for and in behalf of Mr. I. R. Buford, and Mr. Ernest Alfred Wilson, for compensation in the amount suffered as a result of an unjust and unwarranted suspension from service for a period of thirty (30) days, April 5th to May 4th, 1950, in abuse of the Carrier's discretion and in violation of the Current Agreement, and to have their records cleared of certain unjust charges placed against each of them by Dining Car Steward Matney.

OPINION OF BOARD: Based upon all the facts and circumstances in 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 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 under the facts and circumstances as disclosed by the record in this case we find no basis for disturbing the action of the Carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 19th day of November, 1951.