

Award No. 6156  
Docket No. CL-6300

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Mortimer Stone, Referee

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**KANSAS CITY TERMINAL RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the procedural provisions of our Agreement (particularly Rule 14) when it did not afford Mr. A. N. Hudson, Usher (Red Cap), an investigation within five days of the date held from duty, and further violated particularly Rule 15 of said Agreement when it failed to comply with the request of Mr. Hudson's representative for hearing before the official to whom the case was appealed.

(b) On the merits of the case Usher Hudson was unjustly dismissed from service.

(c) Mr. Hudson be reinstated with seniority unimpaired and paid for earnings lost subsequent to August 28, 1951, to date restored to service in accordance with the stipulations of Rule 17 of our Agreement.

**OPINION OF BOARD:** Based upon the particular facts and circumstances in this case, the claims will be sustained.

**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 Carrier violated the Agreement in this particular case.

AWARD

Claims sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon  
Secretary

Dated at Chicago, Illinois, this 27th day of March, 1953.