

Award No. 6434
Docket No. CL-6527

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES
THE NEW YORK CENTRAL RAILROAD COMPANY
THE GRAND CENTRAL TERMINAL

STATEMENT OF CLAIM: This claim is filed on behalf of Delancey P. Hamilton, Red Cap employed at Grand Central Terminal in New York City, who was suspended from service for a period of ten (10) days on a charge of violating that part of Carrier's Rule 5016, reading: "They shall not solicit gratuities," while waiting on a passenger on Sunday, April 20, 1952.

Claim is (1) for the removal of the above discipline from the record of Mr. Hamilton, and (2) for reimbursement to Mr. Hamilton of the amount he would have earned had not this unwarranted suspension been imposed. The Organization contends that Carrier's action in levying ten days' suspension on the Claimant was in violation of Rule 8 of the effective rules agreement; and further that it was arbitrary and not in accordance with the facts adduced at the hearing.

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 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 action of the Carrier will not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 8th day of January, 1954.