

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Curtis G. Shake, Referee

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES

**CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD
COMPANY**

STATEMENT OF CLAIM: This claim is filed on behalf of Dave C. Lacy, Porter-Waiter employed in the Dining Car Department of the Chicago, Rock Island and Pacific Railroad Company, who was disciplined to the extent of an actual sixty day suspension in connection with loss of certain dining car supplies on February 24, 1953.

Claim is made that Mr. Lacy's record be cleared of the charges and that he be reimbursed in the amount of \$730.00 covering loss of time and transportation and living expenses for himself and wife in connection with investigation held on March 17, 1953.

OPINION OF BOARD: Claimant Lacy was a Porter-Waiter in the Carrier's Dining Car Department. He was suspended from service for an alleged unauthorized removal of company property from a dining car. A hearing was had as a result of which the suspension was confirmed, but the penalty was subsequently reduced to sixty days without pay.

The property which the Claimant is alleged to have taken from the dining car was a quantity of butter contained in a glass jar. There was evidence that the butter was in the form of patties bearing the Rock Island symbol. There was also evidence that the Claimant admitted the taking in the presence of two witnesses although he refused to sign a written statement to that effect. Competent evidence sustains the charge.

The Organization asks that the Claimant be reimbursed for wages lost in the sum of \$578.60 and that he and his wife be compensated for the expenses of travel from Kansas City to Chicago where the hearing was held.

Having concluded that the evidence supports the findings of the Carrier, the Claim for reimbursement of pay has no merit. With respect to the Claim for traveling expenses for the Claimant's wife, we know of no rule that obligates the Carrier to pay the expenses of a witness under such circumstances; and since the hearing was held at Chicago, instead of Kansas City, at the request of the representative of the Claimant, there is no basis for that part of the Claim by which he seeks reimbursement for his travel expense.

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 evidence does not establish that the Carrier violated the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 28th day of September, 1954.