

Award No. 6780
Docket No. DC-6736

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

J. Glenn Donaldson, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 351
CHICAGO AND NORTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local 351, for and on behalf of Edgar Winston, Waiter, that he be returned to his assignment and be compensated to the extent of all losses he has suffered as a result of his being dismissed, and that his seniority and vacation rights be returned to him unimpaired.

OPINION OF BOARD: A careful reading of the transcript of the hearing convinces us that the decision is supported by substantial evidence of charge made, insubordination. We cannot say that the penalty assessed was so unjust, unreasonable or arbitrary as to constitute an abuse of discretion under the circumstances here present.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing thereon;

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

Claimant was accorded a fair trial and his dismissal was warranted.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois this 13th day of October, 1954.