

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES, C.I.O.
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

STATEMENT OF CLAIM: This claim is filed on behalf of M. K. Winston, Chef Cook formerly employed in the Dining Car Department of the Chicago, Burlington and Quincy Railroad Company, who was suspended from service on October 8, 1953 and dismissed from service on October 23, 1953.

The Organization claims that:

1. Carrier violated Rule 26(a) of the Rules Agreement of January 1, 1950.
2. The notice of investigation differed from the subject and purpose of the investigation.
3. The charges were not proved.
4. The discipline assessed was unfair, arbitrary, and an abuse of Carrier's discretion.

Claim is that (a) Chef Winston be returned to service with his record cleared of all charges and, (b) that he be reimbursed at his applicable rate of pay for all time lost as a result of Carrier's action.

OPINION OF BOARD: An examination of the facts and the evidence bearing upon this dispute fails to disclose any basis for our disturbing the action taken by the Carrier and the claim will be denied.

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 Agreement was not violated.

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 18th day of October, 1954.