

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYEES

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: This claim is filed on behalf of Jesse L. Porter, Waiter, formerly employed in the Dining Car Department of the Southern Railway Company. Mr. Porter was dismissed from service as a result of an investigation on the following charges:

1. Violation of Rule 25 of the Manual of Instructions for Employees in Dining and Tavern Car Service.
2. Taking Company property off Dining Car 3309, Train 37, at New Orleans, November 24, 1952.

The Organization contends that Mr. Porter did not receive a fair and impartial investigation as provided by the rules agreement and that the discipline imposed was both improper and excessive.

Claim is for Mr. Porter's restoration to service with seniority and other rights unimpaired and for said discipline to be removed from his service record. Claim is further made for pay for Mr. Porter for all time lost on account of the imposition of said discipline.

OPINION OF BOARD: The Board finds no grounds upon which to disturb Carrier's action.

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

The Agreement was not violated by the Carrier.

AWARD

Claim denied 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 28th day of January, 1955.