

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYEES

THE CINCINNATI UNION TERMINAL COMPANY

STATEMENT OF CLAIM: This claim is filed on behalf of Arthur Dicks, Red Cap, formerly employed by the Cincinnati Union Terminal Company, who on October 6, 1953 was dismissed from the service of the Carrier on the following charges:

"Endeavoring to cash in September 20, 1953 on L. & N. ticket form C57-700C No. 5254, Cincinnati to Jackson, Mississippi, sold September 5, 1953, violation of Rule No. 8. Also insubordination in refusing to give Station Master Zumnick the required information concerning the above. Also review of your record."

Hearing on these charges was held on September 28, 1953.

The Organization contends that Mr. Dicks was disciplined without the fair and impartial investigation required by the Rules Agreement. Request is made for his restoration to service with seniority and other rights unimpaired, and for removal of said discipline from his service record.

OPINION OF BOARD: In view of the facts and circumstances in this particular case, Claimant Arthur Dicks should be restored to service promptly with seniority and other rights unimpaired, but without pay for wages and vacation days lost, if any, prior to restoration.

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 Claimant Dicks shall be restored to service in conformity with Opinion.

AWARD

Claim sustained to extent stated in Opinion and Findings; in all other respects denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 6th day of February, 1956.