

Award No. 9450  
Docket No. DC-11335

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Howard A. Johnson, Referee

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEE'S UNION, LOCAL 465**

**UNION PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of Joint Council Dining Car Employees' Union, Local 465 on the property of the Union Pacific Railroad Company for and on behalf of Waiter Artie Banks that he be reinstated in Carrier's service with seniority and vacation rights unimpaired and compensation for all net wage loss on account Carrier's arbitrary and capricious action in dismissing claimant, said action further being in violation of agreement.

**OPINION OF BOARD:** This is a discipline case. Under the circumstances present in this case the Claimant will be restored to service with seniority and other rights unimpaired, but without allowance for vacations covering period out of service and without compensation for any time lost.

**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 Employee involved in this dispute are respectively Carrier and Employee 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 violated in accordance with the Opinion.

**AWARD**

Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May, 1960.