

Award No. 9513
Docket No. DC-11682

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank Elkouri, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, Local 351

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees' Local 351 on the property of the Illinois Central Railroad Company, for and on behalf of Robert E. Clark, that he be restored to service with compensation for net wage loss and with vacation and seniority rights unimpaired account of Carrier dismissing claimant from service on May 8, 1959 in violation of the existing agreement.

OPINION OF BOARD: The Record herein clearly supports the Carrier's conclusion that Claimant Robert E. Clark violated Carrier's General Rule No. 29, failing to complete his assignment in detraining at 63rd Street station on April 20, 1959. Claimant unquestionably knew that he was leaving his assignment before its completion. He did not seek permission to detrain early, and he unquestionably knew that it was improper for him to detrain when he did without special authority. Claimant's past record reflects numerous other rules infractions. In view of Claimant's poor past record, it cannot be said that the Carrier was unreasonable or too severe in discharging him for the offense of April 20, 1959.

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;

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of July, 1960