

Award No. 12834  
Docket No. DC-14299

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Levi M. Hall, Referee

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 465**  
**UNION PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of Joint Council Dining Car Employees, Local 465, on the property of the Union Pacific Railroad Company, for and on behalf of Waiter Frank E. Thompson, that he be restored to service with seniority and vacation rights unimpaired and compensated for net wage loss account of carrier dismissing claimant from service on November 9, 1962, in violation of the agreement and in abuse of its discretion.

**OPINION OF BOARD:** Under date of November 9, 1962, Claimant received from Carrier a letter containing the following significant language: "It was found that you were serving passengers without their order being on a meal check" and

"This is in violation of the general instructions concerning the service of meals to guests, with which you are familiar and which are stated on passenger meal check Form 627 and also on the menus, and specifically Rule 700 (A) of the Rules and Instructions of the Dining Car and Hotel Department, effective November 1, 1952, copy of which you have, and which reads as follows:

'Employees involved in irregularities in the handling of dining car meal checks or company funds, or who mishandle company funds or property, will be discharged from the service.'

The Claimant Waiter in this case admitted that he served meals on oral order without written checks and that he knew such conduct was in violation of the Carrier's rules. His defense of excuse was not supported. In the light of these facts, the Board has no alternative but to deny the claim.

**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 has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 7th day of August 1964.