

Award No. 13900
Docket No. DC-15325

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

P. M. Williams, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 385

**CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees, Local 385, on the property of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, for and on behalf of Waiter James Johnson, that he be compensated for net wage loss account of Carrier suspending Claimant from service for a period of twenty (20) days as a result of hearing held on the 24th day of July, 1964, said discipline being arbitrarily imposed and in abuse of Carrier's discretion.

OPINION OF BOARD: Claimant was charged with violating certain of Carrier's rules pertaining to the proper handling of guest checks on dining cars, and after a hearing on the charges he was suspended from his position as waiter for a period of 20 days. The record contains ample evidence that at the hearing Claimant admitted the correctness of the charges, but on the basis of extenuating and/or mitigating circumstance, he requested that he receive no penalty for the violation.

This Board is asked to determine that Carrier's discipline against Claimant was arbitrarily imposed and petition is made that he be compensated for his net wage loss during the period of suspension.

We glean no facts from this record upon which to base a finding that Carrier acted arbitrarily or abused its discretion; therefore, we must deny the claim.

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 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 was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 15th day of October 1965.