

**Award No. 14003**  
**Docket No. DC-15081**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**John H. Dorsey, Referee**

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 495**

**ATLANTIC COAST LINE RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of Joint Council Dining Car Employees Union, Local 495, on the property of the Atlantic Coast Line Railroad Company, for and on behalf of Chef Cook E. Henry, that he be returned to service and compensated for net wage loss, with seniority and vacation rights unimpaired, account of Carrier dismissing claimant from service on April 18, 1962, in violation of the Agreement and in abuse of its discretion.

**OPINION OF BOARD:** This is a discipline case. We have reviewed the record and find that: (1) the due process prescribed in the Agreement was adhered to; (2) there is evidence, which if believed, supports the Carrier's finding of guilt; and (3) in the light of that finding, the penalty imposed was not excessive. Our findings compel us to 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 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 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 30th day of November 1965.