



Award No. 17187

Docket No. DC-17813

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert C. McCandless, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 351

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY—DINING CAR DEPARTMENT**

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees Local 351 on the property of the Atchison, Topeka & Santa Fe Railway Company, for and on behalf of Walter Thomas E. Wilson that he be returned to service and compensated for net wage loss with seniority and vacation rights unimpaired account of carrier suspending claimant from service October 28, 1967, and dismissing claimant from service on November 10, 1967, in violation of the Agreement and in abuse of its discretion.

OPINION OF BOARD: Claimant, Thomas E. Wilson, was charged with and subsequently dismissed for serving and then collecting payment for food and beverage without a guest check.

A careful review of this record indicates that of the several arguments advanced by Claimant in attempting to sustain his claim, the pertinent ones upon which this case must be decided were recently and fully dealt with in Award Number 17155.

We incorporate by reference herein that decision—its reasoning and citations—in hereby denying this 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.

A W A R D

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 28th day of May 1969.